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1949–1963

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Title 3—THE PRESIDENT

Proclamation 3875

NATIONAL FAMILY HEALTH WEEK

By the President of the United States of America

A Proclamation

America's unusual health-care system, in which private and public agencies and organizations work together in common cause, has been a principal factor in insuring and improving the Nation's health. This system has evolved over many years, changing and adapting to advances in research and technology and to a growing national commitment to good health for all.

Though a great deal remains to be done if that commitment is to be honored—especially among poor families—we have seen almost revolutionary progress in providing better health to most Americans during the past few years:

—The death rate among babies in their first year of life reached a new low of 22 deaths for every 1,000 live births last year—down 15 percent from 1960.

—Boys and girls grow up today largely free from the threat of polio, measles, and other potentially crippling diseases of childhood.

—One of every three cancer patients is saved today.

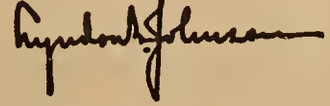
—Twenty million older Americans are protected by Medicare; 8 million have already received hospital benefits from this program.

In the evolution of our health services system, there has remained one constant—the family physician. Today, as a century ago, he bears a unique responsibility. He continues to be the source of treatment and comfort when illness and accidents occur. He is also the crucial link today between the family and the highly specialized services of modern health science.

To further focus national attention upon the accomplishments of our health care system and the central role played by the family physician in the maintenance of superior medical care for all Americans, the Congress by House Joint Resolution 1404 has requested the President to issue a proclamation designating the week of November 17 through 23, 1968, as National Family Health Week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning November 17, 1968, as National Family Health Week. I call upon the people of the United States, the medical and health professions, and other interested organizations and groups to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68-12212; Filed, Oct. 3, 1968; 1:27 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 341]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.641 Lemon Regulation 341.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 1, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 6, 1968, through October 12, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 102,300 cartons;

(iii) District 3: 102,300 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 2, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12207; Filed, Oct. 4, 1968; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9181; Amdt. 39–666]

PART 39—AIRWORTHINESS DIRECTIVES

Glasflugel H–301 "Libelle" Gliders Serial Nos. 1 Through 85

It has been found possible to install the horizontal stabilizer on Glasflugel H–301 "Libelle" gliders without the elevator controls being attached. The design of the gliders lends itself to improper installation of the actuating control and yet permits sufficient movement in the elevators when actuated by the control stick to make the pilot believe that the elevator control system is engaged when, in fact, it is not. Since this condition is likely to exist or develop in other "Libelle" gliders, an airworthiness directive is being issued to require installation of a locking guide fitting.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GLASFLUGEL. Applies to Glasflugel H–301 "Libelle" Gliders, Serial Nos. 1 through 85. Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the improper installation of the horizontal stabilizer to the glider, install locking guide fitting P/N 301–33–8, either on the left or right side of the main elevator fitting in accordance with Glasflugel Modification Leaflet No. 25, dated August 13, 1968, or later LBA-approved issue or an FAA approved equivalent.

This amendment becomes effective October 23, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 30, 1968.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 68–12178; Filed, Oct. 4, 1968; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–297; Order 370]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 14—REPORTING NET INVESTMENT IN LICENSED PROJECTS TO THE COMMISSION

Hydroelectric Project Licenses; Calculation of "Net Investment"

SEPTEMBER 27, 1968.

This proceeding was instituted by notice of proposed rulemaking issued January 20, 1966 (31 F.R. 1079). In that notice we stated that the purpose of the proceeding was to establish "a method

for determining the 'net investment in a project,' as the phrase is defined in section 3(13) of the Federal Power Act." Numerous comments and responses were filed by public and private persons including the Secretary of the Interior, many electric utilities, several state public service commissions, and other interested groups. By the notice of November 2, 1966 (31 F.R. 14884) the Commission permitted further filings and responses to initial comments and supplemental comments. On September 21, 1967, the Commission gave notice of oral argument and set forth certain proposed revisions and modifications to the previously proposed rule.

On October 12, 1967, Great Northern Paper Co. and six other companies moved to sever certain issues with respect to industrial licensees and their affiliates. On November 7, 1967, the Commission deferred action on this motion until after the oral argument, which was held on December 18, 1967.

Severance of Issues With Respect to Industrial Licensees and Affiliates

Upon oral argument it appeared to the satisfaction of the Commission that the issues concerning net investment in licensed projects owned directly or indirectly by industrial corporations may be subject to different considerations and determinations than the issues concerning net investment in licensed projects owned by others. The motion of Great Northern Paper Co. et al. will be granted to the extent of severance from this proceeding of the issues concerning licensed projects owned directly or indirectly by industrial corporations, and which do not sell power on a regular basis to customers other than their corporate affiliates or parents. The determinations in this proceeding applicable to other licensed projects will not be directly applicable in the case of such projects owned by industrial licensees or their affiliates which are not public utilities.

The Purpose of This Proceeding

As we noted in the notice of proposed rulemaking issued January 20, 1966, under section 14 of the Federal Power Act, the United States has the right, upon or after the expiration of a license for a project, to take over and thereafter maintain and operate such a project upon the payment to the licensee of its "net investment" and any severance damages. If the United States does not exercise its statutory right to recapture, this Commission, under section 15 of the Act, is authorized to issue a new license to the original licensee, or to a new licensee, on the condition that a new licensee must, before taking possession of the project, pay to the original licensee the amount the United States would have been obligated to pay had it taken over the project.[1]

The Act further requires that, if the license is not renewed, the net investment of the original licensee, together with any severance damages, be determined by this Commission after notice and hearing. At that time it may also be necessary to determine whether the net investment in the project exceeds its fair value. The final determination of the exact amount of project net investment to be paid a licensee where the United States or a new licensee takes over the project will have to await such notice and hearing. But there are, we believe, good reasons for providing a procedure for arriving at a reasonable advance estimate of the net investment figure to guide our actions and those of interested parties.[2] Specifically, without a reasonable estimate of project net investment, the Commission will frequently be without adequate information in determining whether to recommend recapture to the Congress; and the Congress would not be able to evaluate the financial consequences of recapture. Similarly, without such an estimate, prospective new applicants for a license will often not have information essential to a determination whether to apply, nor would the shareholders and prospective shareholders of the present licensees be able to estimate the potential effect of project take over by the United States or a new licensee.[3]

The rule we have proposed recognizes that, while the basic questions as to the proper method of fixing net investment under the statute can and should be clarified, no one formula will be appropriate for all situations. Thus with respect to each of the critical determinations—the fair rate of return for the project, the proper allocation between project and system revenues, and the calculation of whether project earnings in excess of a fair return fall within the statutory categories which result in reduction of project net investment—we have provided that, where a licensee believes special circumstances warrant a result differing from the general formula, it may, in addition to the prescribed information, submit such facts and calculations as it believes justify a different result. We would contemplate that in any reports to the Congress we would fully advise it of these differing views.[4]

The Statutory Scheme and the Theory of the Commission Rule

As indicated, supra, sections 14 and 15 of the Act provide that upon take over of a project by the United States or a new licensee, the licensee shall be paid its "net investment," not to exceed project "fair values," plus severence damages. This proceeding, assuming that in virtually all cases "net investment" will be less than fair value (a term not further defined in the Act), is intended to construe the statutory meaning of net investment. Net investment is defined negatively in section 14 to exclude any value of property of the United States licensed under the Act, and to exclude any value of the license itself, good will, going value, or prospective revenues. There is no real controversy over this. The principle problems stem from the affirmative definition of "net investment" in section 3(13) of the Act.[5]

Section 3(13)[6] defines "net investment" as being the actual legitimate original

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[1] Under the Act we could, but need not, also utilize the reduced net investment in a project, including one relicensed to an existing licensee, to reduce the licensee's rate base in Commission wholesale rate cases. We do not here decide whether such action would be advisable in an appropriate rate case.

[2] It is possible that any takeover date would be subsequent to the expiration of the original license. This would not effect the substantive nature of the net investment calculation, since the project would continue to operate under annual licenses, which, under the express provisions of section 15 of the Act, bear the same terms as the original one. In other words, the various factors which determine project net investment would continue to operate.

[3] We recognize that no estimate of severance damages is here attempted. We believe that in most instances such additional takeover costs will be relatively insubstantial. But in any event such damages (1) are not determined by any special statutory formula and (2) are so dependent upon the individual characteristics of the project and the licensee's system as to make any advance estimate of little value.

[4] Section 14 provides for notice and hearing before the definitive determination by this Commission of net investment; differences in view may be resolved at that time.

[5] For the reasons set out below we reject the argument that section 3(13) of the Act is "only a definition" and as such is not determinative of the manner in which project net investment should be calculated.

[6] The section provides in full:

(13) "Net investment" in a project means the actual legitimate original cost thereof as defined and interpreted in the "classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission," plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment; (a) unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking fund, or similar reserves or expended for additions or betterments or used for the purposes for which such reserves were created. The term "cost" shall include, insofar as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others, and said classification of investment of the Interstate Commerce Commission shall insofar as applicable be published and promulgated as a part of the rules and regulations of the Commission.

cost of a project[7] plus the costs of the additions and betterments thereof, less certain specified amounts. There is no issue with respect to the calculation of project original base costs; these costs, including costs of additions and betterments, have by now been substantially determined by our accounting staff and by this Commission for all projects with licenses expiring in the near future. It is the deductive items which cause the problems.

Section 3(13) in terms provides that from such original cost computation there shall be deducted:

The sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment:

(a) Unappropriated surplus,

(b) Aggregate credit balances of current depreciation accounts,

(c) Aggregate appropriations of surplus or income—

(1) Held in—

(i) Amortization,

(ii) Sinking fund,

(iii) Or similar reserves,

(2) Or expended for additions or betterments,

(3) Or used for the purposes for which such reserves were created.

This statement of items to be deducted, while deviating from current accounting concepts, was a clear and concise explanation of the process to be utilized when applied to accounting concepts of 1920. The 1914 ICC System of Accounts, for example, to which the section refers, provided for appropriation of surplus to a far greater extent than would be prescribed today. Thus, in those accounts, and in the system of accounts issued by this Commission in 1922, there were specific categories of appropriated surplus, from which no dividends could be paid, for appropriations for additions and betterments, sinking fund reserves, contingency reserves, and other reserves. Our 1922 System of Accounts, as does our present system, also provided for an "amortization reserve—federal," the account used for section 10(d) purposes, intended to come within category (c1i) above. And, of course, when depreciation was treated as an element of return (as it is in section 3(13)), depreciation was carried on the balance sheet as a liability item, rather than an offset against plant on the asset side, as at present.

Thus, the balance sheet accounts which could, under section 3(13), be written off on recapture to the extent of excess earnings were all on the liability side under the ICC System of Accounts of 1914 and our 1922 accounts. These were, in effect, depreciation and all the common surplus accounts, both appropriated and unappropriated.[8] If all of these accounts were derived from excess earnings, this would leave the licensee's balance sheet after recapture showing, on the liability side, long term debt, short term liabilities, and invested capital. Those entries would ideally be matched with assets of equal value. Consequently, a licensee would be left on recapture, after paying its long term debt and other liabilities, with net assets at least equivalent to its original invested capital, no matter how much it had earned in excess profits or paid out in dividends. Although our present system of accounts does not require appropriation of surplus and carries depreciation as an offset to plant directly on the asset side, this same generous result as to capital sources would be reached under the modern system.[9]

The theory of the notice of proposed rule making, to which we substantially adhere, was that the rather complex formula of section 3(13) was primarily intended to assure that a licensee whose project was taken over, by the United States or by a new licensee, would recover, either through project revenues during the term of its license or through a payment of a "net investment" charge upon recapture, the original cost of the project, plus a fair return on such investment, if earned, and that with certain limitations, all amounts earned by the project in excess of such a fair return would go to reduce net investment.

The net investment calculation thus requires an initial determination (1) of the fair rate of return to be applied to the project and (2) the appropriate manner of allocating a share of system earnings of licensees to the particular project. In addition, since it is clear that section 3(13) does not provide for the automatic deduction of all excess earnings of a project over a fair return from net investment, it must be determined in each case what portion of a project's excess earnings are properly deductible.

Here, our proposed rule, simplifying what in particular cases can be a more complicated process of calculation, assumes, subject to a contrary showing by the licensee, that all excess earnings are deductible. This assumption is, in turn, predicated upon two conclusions which we deem to be generally valid: (1) That in terms of section 3(13) all depreciation will be accumulated from earnings in excess of a fair return, and (2) that, for reasons of business and finance management having little if anything to do with this Commission's regulation, most licensees will accrue and maintain (contrary to the fears of many of the draftsmen of the Act) unappropriated surplus properly attributable to the project, which (together with the depreciation) will be adequate to cover virtually all project excess earnings.[10]

To the extent this assumption proves to be true, it will be unnecessary to consider the other deductive items specified by the Act, including the section 10(d) amortization reserve, which is essentially a limited restriction on the payment of dividends from unappropriated surplus. We, of course, do not suggest these other deductive items are being read out of the Act or of our rule in implementation thereof: any licensee submitting a showing purporting to indicate that its depreciation and unappropriated surplus accounts are insufficient to cover all of its calculated project excess earnings will be required to show also that these sums are not properly attributable to the other specified accounts or expenditures.

Legislative History

Although the legislative history of the Federal Water Power Act is devoted in large part to the recapture problem, it is not very helpful in resolving many of the particular problems with which we are now faced. It is frequently ambiguous, and, while there are selected portions which would support every side of most of the arguments made before us, we find nothing which, when viewed in context, would cause us to deviate from the rule here adopted. To the contrary, to the extent the legislative history gives general guidance it confirms us in the view we now adopt.

Efforts were begun to enact legislation to encourage private development of the nation's water power resources as early as 1906. A large number of bills and numerous proposed amendments were introduced over the years that followed. In general, the proposed legislation from 1914 on sought to give private investors sufficient incentive, security and certainty to induce investment while yet assuring that these public resources should not be permanently lost to the public. It was also desired to guard against excessive earnings by investors as a result of their development of resources that belonged not to them, but to the public. Eventually there evolved the Federal Water Power Act of 1920, the predecessor of the Federal Power Act, which provided for licenses to issue to developers for up to 50 years, with the government having the right to "recapture" the project structures at the end of the license period, or license a different person. In either case, the amount of "net investment" in the project (as defined in the statute) was to be paid to the licensee for the project structures. Before this act was finally passed, however, there

[7] These costs are to be calculated "as defined and interpreted in the 'classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission'" and specifically exclude not only the costs precluded by section 14 (see p. 5, supra), but "any expenditures from funds obtained through donations" from any source.

[8] The account for government grants in aid of construction would also be deducted, whether or not there were excess earnings, by the terms of section 3(13).

[9] With the possible exception that a licensee might theoretically abuse the latitude given it under modern accounting, as discussed infra, pp. 30–32.

[10] We deal later with the contention that such unappropriated surplus as may be necessary to cover project excess earnings not otherwise deductible could easily be paid out by way of special dividend just prior to take over.

was long and bitter argument. Consideration of some of the different views, and how they fared in the debates, aids in understanding the legislative intention as embodied in the legislation ultimately enacted.

One of the major and continuing disagreements was summarized by O. C. Merrill [11] in a letter to Secretary of War Baker on February 23, 1918; "The failure to secure legislation hitherto has been largely due to disagreement over the compensation to be paid at recapture, one side contending for 'fair value', which would include depreciation, unearned increment and intangibles, the other side contending for 'cost less any reduction thereof paid out of surplus earnings'. After long negotiations and many conferences, representatives of the largest operating companies and of the leading investment bankers have agreed that the cost basis as above stated will be satisfactory from an investment standpoint, that money for development can be secured, if such basis is expressed in definite language in the bill." A reading of the legislative history bears Mr. Merrill out. The amount of debate and explanation devoted to the recapture provisions and to the amount to be paid upon termination of the license or franchise period is greater than that devoted to any other portion of the legislation. Eventually the proponents of the cost-less-excess-earnings view prevailed, although the proponents of fair value did obtain certain compromise language with which we need not deal here. A reading of the legislative history discloses that the definition of "net investment" in section 3(13) was carefully drafted, thoroughly discussed, and enacted despite vocal opposition, and that it was intended to be a precise and careful measure of, inter alia, the amount to be paid a licensee at the end of his term.[12] (The supplementation of this section by section 10(d) was intended merely to partially plug a possible loophole.) There is no question that the basic intention of Congress in including section 3(13) of the statute was to provide that upon termination of a license the licensee should receive enough, but no more, to return to him his original investment plus a fair return, and that if he has received more than a fair return, such excess, if available in reserves or unappropriated surplus, should be used to reduce the amount to be paid the licensee upon recapture.

1. The argument has been made, in a variety of forms, that this Commission should not find excess earnings where a licensee has been subject to rate regulation by a State Commission. One of the forms of this argument relies upon a supposed intent of Congress as expressed in the legislative history. An examination of the legislative history of the bills which evolved into the present statute is sufficient to refute this thesis. At volume 53, page 3481 of the Congressional Record, Senator Cummins of Iowa said in support of a proposed amendment: "* * * if the utility commissions throughout the country fail to regulate with that accuracy which would result in charges that are reasonable and fair, or in the event that the enterprise is of a character subject to no regulation whatever, the United States shall not pay again a sum which the people to whom the service have been rendered have once paid." At volume 55, page 3489, Senator Cummins said, in answer to an argument that the various public utility commissions would so regulate the charge that the licensee could not secure more than a reasonable return upon the capital invested: "* * * a public-utility commission must operate for the future; it must fix a rate to be charged in the future. It is utterly impossible for any such commission, however intelligent, however well informed, however faithful to the public interest, to know what will occur in the future and, with precision, to so regulate the rates that they will return but a fair interest or reward upon the capital. It is within the knowledge of every Senator here, I am sure, that many instances of regulation have occurred which, under experience, have been shown to have approved rates which have returned a great deal more than a reasonable reward upon the capital. * * *"

At the hearing before the Committee on Water Power of the House of Representatives on May 15, 1918, Secretary of Agriculture Houston stated in this regard (p. 672): "What the Commission does is to fix a rate for the service. Now, the rate fixed might result in any year, or a series of years, in a return on the investment which would be much in excess of what may be adjudged to be a fair return." At page 9903 of volume 56 of the Congressional Record, Congressman Parker of New Jersey quotes Secretary Houston's reference to "surplus earnings arising from the rates fixed by the State or Federal Commission beyond what would be adjudged to be a fair rate return upon the investment."

Tracing the evolution of the legislation which eventually emerged as the present act, there is no question that Senator Cummins' and Secretary Houston's views were a part of the philosophy accepted by Congress in enacting this legislation. The contrary view that State regulation should eliminate any later finding of excess earnings by Federal reviewing authority was presented (notably by Senator Shields of Tennessee), and was considered and rejected by Congress. We would reject that view also were it presented to us in the first instance. The concept of 50 or more disparate modes of determination of proper return governing the amount which the people of the United States must pay to recover the resources belonging to them is plainly not a viable one when a uniform standard was set by the Congress. Especially is this so when we realize that the extent and vigor of state regulation has varied greatly over the years. Accordingly, we must proceed to our statutory task of fixing a Federal system for the determination of net investment, whether or not the projects involved have been regulated by the States.

2. Another argument presented to this Commission is that present day stockholders will be not fairly treated if the amount to be paid for their corporation's property is reduced by the amount of excessive earnings which occurred under the ownership of former stockholders rather than the present ones. This argument too, was advanced in Congress in the course of the years of consideration of the many bills and arguments that led to the Federal Water Power Act of 1920, the predecessor of the present Federal Power Act. At page 3489, volume 53 of the Congressional Record, Senator Shields of Tennessee stated: "Therefore, the stockholders who own the property at the end of the 50 years would be, in all probability different from those who receive the benefit of these excessive rates, if any such rates are allowed. Is that not a fact?" Senator Cummins answered: "My reply to that is that the purchase of stock in such a corporation at any time is voluntary. The stockholder who goes into a corporation, if it be a continuous one, at the end of 25 years ought to pay for the stock with knowledge of what the outcome may be; and if the stockholders who have preceded him in the same interest have taken more than they ought to have taken out of the property, then, when he comes to determine the value of the stock and the amount that he has to pay for it he must be guided by those considerations." [13]

Senator Shields had earlier, at page 3377, raised the same point, and at page 3488 had stated, in arguing against the proposed legislation: "* * * in the event * * * those commissioners have allowed the company to charge excessive rates, the same shall be deducted from the value of the property when taken over by the United States, this deduction to be allowed although there might have been numerous changes in the ownership of the stock during the existence of the permit and without regard to the rights of the bondholders, who, of course, have

[11] A principal draftsman of the legislation finally enacted.

[12] See, for example, letter dated Feb. 7, 1918 from Secretary of War Baker, Secretary of the Interior Lane, and Secretary of Agriculture Houston to Congressman Sims: "It is particularly important that the conditions which affect the disposition of the property at the termination of the license should be so definite that uncertainties will be reduced to a minimum. * * * If the properties are taken over, the price to be paid should not include alleged values not represented by investment, or, on the other hand require needless amortization of capital during the period of the license in order to protect the investment. It is, therefore, believed advisable to define in specific language the items that should or should not enter into the price to be paid. The [section 3(13)] definition which it is recommended should be inserted at the end of section 3 has been prepared after thorough consideration and after consultation with accounting and banking experts."

[13] Under the present section 3(13), however, only excess earnings not paid out, but retained in unappropriated surplus, or the other accounts specified in section 3(13), would be available to reduce the amount to be paid at the end of the licensee's term.

no voice in fixing the rates and do not receive the dividends." Despite these statements of Senator Shields, a leading advocate of the fair value concept, the opposing view was the basis of the legislation ultimately enacted. It has always been true that one who purchases stock in any corporation assumes the risk that unexpected liabilities may reduce the value of his stock just as unexpected benefits may arise from quite unanticipated sources. We cannot say that a licensee corporation which, in its early years, made excessive profits from its license and which still has those profits in unappropriated surplus or other accounts, may force the Government to again pay those excess profits in order to recapture the project merely because stock ownership has changed. Congress rejected that argument, and so do we.

3. The argument has been made that "net investment" should be considered to be actual legitimate original cost less depreciation (with possible further reductions by means of the reserves to be established under section 10(d)). This view, however, does not square with the language of section 3(13), and was not the intention of those who put forward the legislation. O. C. Merrill, in a memorandum of September 11, 1918, says: "Under reasonable rate regulation, therefore, the 'net investment' at the end of the license period, will not be greater than the original-cost-less-depreciation of the structures, and in those cases where the rates as fixed have yielded more than a fair return, will be still further reduced by the amount of the amortization reserves, etc." At page 9962 of volume 56 of the Congressional Record, Congressman Small stated: "This provision of 'net investment,' limited as it is first, by deducting from the actual cost the accumulated surplus; second, depreciation of property during the period of the license; and third, amortization of reserves, may well, at the end of the 50-year period, not only reduce greatly the amount that the United States is to pay for the property in recapturing it, but it is entirely possible, if it is a profitable venture, that the United States will have nothing whatever to pay in recapturing the property."

The whole theory of section 3(13) is that the licensee should receive back his original investment plus a fair return thereon and that the investment and the fair return thereon would be paid to him from one or both of two possible sources, (1) the earnings from the project over the license period and (2) the amount paid for the project structures at the end of the license period. To the extent that money had been accumulated out of the earnings of the project over and above a fair return, the amount to be paid for the project structures at the end of the license period would be reduced. Again and again it appears in the legislative history that the intention was to prevent a licensee from being paid twice—that is, getting back some or all of his investment from earnings in excess of a fair return, and then receiving payment for his entire investment a second time on termination of the license.

Senator Cummins advocated an amendment to an earlier bill, which amendment would have had much the same effect as the net investment formula in subtracting surplus earnings from the amount to be paid. He said at page 3376 of volume 53 of the Congressional Record that the proposal meant "That if during the period of the privilege the grantee has earned a sum of money that will, in the first place, defray all the costs of operation; in the second place, defray all the costs of maintenance; and, in the third place, pay all the fixed charges, including bonded indebtedness * * * and pay to the remainder of the capital, not accumulated from earnings, a fair and reasonable reward under all the circumstances, and has still a sum of money arising from, if not unlawful, at least, excessive charges for the service rendered, then the amount to be accumulated, whether in hand or whether expended,[14] shall be used to reduce the value of the property as found in the preceding part of the section.

"This is right, because if the United States pays to the grantee the full value of the property as ascertained and if the people have paid to the same grantee the full value of the property in charges which are not unlawful, possibly, but so excessive that they have resulted in a accumulation of this character, then it is little less than robbery—I do not know of any terms that are too emphatic to be applied to it—it is utterly indefensible to make the people of the United States pay again." Senator Cummins added at page 3377 that this proposal "simply reduces the amount to be paid by the Government in cases where it is doubtful whether the Government should pay anything anyhow." At page 3488 Senator Norris said: "If a man, for instance, has built a dam in a stream and has made a reasonable interest upon his investment, paid all his expenses * * * and in addition to that, let us say in a plant that cost a million dollars, he has in the 50-year period made $5,000,000 in addition to those costs and legitimate profits, then the people who paid the rates have not only paid a reasonable rate for what they received, but they have paid a rate sufficiently high and exorbitant by which that excess has several times paid the value of the property itself to the man who constructed it. The people have paid it, and if they have paid for it once and the Government wants to take it over again, why should they be required to pay it again? * * * if the corporation that owns the franchise and the right that was given to it by the Government has not made anything but a fair and honest profit, this amendment will not touch such a corporation and will not affect it in any way." Senator Norris added that the amendment simply says that "* * * if above a reasonable profit, expense, and everything, there has been a surplus accumulated and at the end of the 50 years the Government wants to take it over, it will value the property accordingly to the bill and it will take from that amount the surplus over and above profits that are reasonable and fair."

Although the remarks of Senator Cummins and Senator Norris were directed to earlier proposed legislation which was never passed by Congress, that philosophy was carried over into the drafting of the bill which became the Federal Water Power Act of 1920. After the section 3(13) definition of net investment had been inserted in the bill, O. C. Merrill was the first witness at the hearing before the Committee on Water Power of the House of Representatives. In speaking of the statutory definition of net investment he said, at page 39: "Whatever money goes into a project of this kind has to come back from some source. It either has to come back in a capital sum or it has to come back in earnings. We provide that it shall come back, if the Government takes it over, as a capital sum reduced by the amount that has been retired through earnings." In response to questioning Mr. Merrill said at page 81 "* * * the licensee who goes in and honestly invests a dollar shall get that dollar back in either one of two ways—either by the return of a capital sum at the end of the period or out of earnings during the license period."

C. F. Kelley, a New York attorney for power interests, testified in opposition to the bill before the committee. At page 315 he argued that a licensee would not know what he can expect to receive upon recapture until the end of the license period. "He may have been charging off a reasonable amount and paying out a reasonable amount in dividends, and somebody will say, 'Why, that was too much. Instead of paying out 8 percent you should have paid 6. That was a fair return, and the other 2 percent has diminished the original cost so you have got no investment left. Your capital is extinguished.' "

While Mr. Kelley appears to be incorrect in stating that excessive earnings paid out in dividends could be used to reduce net investment, no one differed with his views that a licensee might at the end of the license period have his entire net investigation extinguished as a result of excess earnings. In later debate in the House, Congressman Sims in arguing against the bill quoted other language of Mr. Kelley to the effect that the determination of fair return at the end of the license period might result in a licensee finding "his entire property account upon which he expected to realize upon its being taken over by the Government has been completely obliterated and wiped out." (56 Congressional Record 9046, quoting Mr. Kelley's statement at page 291 of the hearings before the Committee on Water Power.) Mr. Kelley argued that since the fair rate of return varies from time to time and could not be finally determined until the end of the license period, a licensee who had supposed he was making

[14] In this respect Senator Cummins' proposal differs from the present act, which applies only if the amount may be or should be found in the accounts specified in section 3(13).

only a fair rate of return could be wiped out by a subsequent determination. "Therefore the carried capital investment has been wiped out by the difference between a subsequently adjudged fair return and what may have been considered a fair return when looking ahead and considering the difficulties of the business, with all its hazards and uncertainties, was quite different from looking back upon a career of successful business accomplishment." (Hearings before the Committee on Water Power, page 294.)

Despite these arguments of Mr. Kelley and Congressman Sims, the bill was passed with section 3(13) unchanged in any substantial manner.

In view of this legislative history and the language of the Act, we cannot accept the arguments presented to the effect that net investment, except as reduced by section 10(d) reserves, is equal to depreciated original cost, and that to declare otherwise will defeat the expectations of licensees and investors and will adversely affect a licensee's borrowing power and financial position by departing from the value reflected in the companies' books and records. All these conceivable results were made known to Congress as arguments against the proposed legislation, and Congress chose to enact it despite these arguments.[15]

The history of the enactment of section 10(d) contains nothing contrary to what has been said. In fact, it appears that section 10(d) was enacted because it was feared that a licensee might distribute in dividends anything it had accumulated previously in unappropriated surplus, thus evading the Congressional intention that a licensee should not be paid twice on its original investment.

Secretary Houston, in proposing the establishment of a restricted reserve in his testimony before the House Committee on Water Power on May 15, 1918 (p. 657), said:

It is conceivable that there would be no unappropriated surplus. I cannot discover why, unless it were accidental, the owners of the project should accumulate and have an unappropriated surplus. * * * If there should result from the rates allowed by the State Commission, or the Federal Commission, returns in excess of a fair return on the investment, such surpluses might either be distributed * * * or might be used to retire bonds.

As originally proposed, section 10(d) would have required the accumulation in amortization reserves of all earnings acquired in excess of a rate of return specified in a given license (as opposed to the fair rate of return which would fluctuate from time to time independent of any rate specified in the license). As a compromise, section 10(d) when finally enacted did not require the accumulation of such reserves until after the first 20 years of the license. The effect of this change was to give the licensee greater freedom to pay out or otherwise utilize project revenues during the initial period of project operation. But nothing was said to indicate that net investment during this period was not to be reduced (or was to be reduced only by depreciation) if excess earnings found their way into one of the deductive accounts.

In sum, we find nothing in the legislative history with respect to the arguments treated above which would persuade us that the rule we here adopt would have been contrary to the intent of the enacting Congress. We have examined each of the other arguments based on legislative history presented by the licensees, and find no more merit therein.

Administrative History

The Commission has, prior to this proceeding, never formally interpreted the provisions of the Act governing the calculation of project net investment for recapture purposes, nor, despite its early recognition that regular calculation thereof for each project was intended, ever required a licensee to do so. Despite this fact, it is now contended that the Commission's statements and actions in analogous areas, along with its very failure to earlier define net investment in the manner herein proposed, demonstrates that some other method was required by Congress in the passage of the Act. It is, of course, clear that even a formal interpretation of the Act contrary to its language and true intent could not serve to limit or modify its provisions or increase the cost to the United States of exercising its take over rights. See e.g., Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672, 678, n. 5; Auto Club of Michigan v. Commissioner, 353 U.S. 180, 183. But it is suggested that the contemporaneous and consistent construction of the Act demonstrates the fallacy of the Commission's present interpretation. We think this clearly is not the case.

It is true that the First Annual Report of the Commission states, in its brief discussion of the history of Federal water power legislation, that net investment at recapture consists of project original cost "less such sums in depreciation and amortizaton reserves as have been accumulated during the period of the license after having received a fair return upon the investment." First Annual Report of the Federal Power Commission, pp. 50–51. This failure to refer to unappropriated surplus (or the other specified reserves, to additions or betterments derived from excess earnings or other expenditures made from various reserves during the course of the license) can hardly be characterized as a determination that these statutory provisions were without meaning or were in some undefined manner subsumed in the two items mentioned; at most it would seem to reflect the view (which Secretary Houston had previously stated during the debates, supra, p. 21) that these two categories were likely to constitute the primary deductive items.

Nor is there any basis for believing that the Commission's pioneering effort in promulgating in Regulation 16 a system of depreciation accounting following modern accounting practice was intended to incorporate into this one account all possible deductive items from net investment except the section 10(d) amortization reserve established by Regulation 17. To the extent that Regulation 16 treated depreciation as a cost rather than as an element of return and allowed an unfunded rather than a funded reserve, it attempted to apply good accounting practice at the time to reach the congressionally intended result. To some extent that regulation may have utilized a different scheme of accounting than Congress had in mind at the time of passage of the Act. This, in turn, affected the mechanics of the calculation required by section 3(13) of whether the depreciation to be deducted from net investment is derived from earnings in excess of a fair return.[16] But there is no basis for a contention that either of these regulations was intended to supersede any of the other deductive accounts. On the contrary, the Commission's first System of Accounts, approved November 20, 1922, with the major objective "to aid the Commission in determining the net investment of a licensee in any project" (Regulation 20, Accounts and Reports), and specifying, in section 1(c) of the "General Rules and Regulations", section 3 of the Act as one of the statutory authorities for its prescription, the balance sheet accounts in addition to prescribing a depreciation reserve (Acct. 241) and "Appropriated Surplus" accounts for "appropriations for additions and betterments" (Acct. 251) and "sinking fund reserves" (Acct. 252) as well as the section 10(d) "Amortization Reserve—Federal" required by Regulation 17 (Acct.), called for an "Unappropriated Surplus" account (Acct. 261). The undisputed fact, of course, is that unappropriated surplus meant the same between 1912 and 1920, as it did in 1920–22 and means now, and the Commission never suggested that the establishment of modern types of depreciation reserves or special section 10(d) amortization reserves removed unappropriated surplus from the net investment calculation.

The fact that the Commission intended no deviation from the statutory "net investment" scheme is made clear by one of the first formal actions of the Commission. In an opinion dated May 1922, which was formally approved by the Commission, the Chief Counsel—in addition to stressing the need for current calculations of net investment—expressly reiterated that unappropriated surplus and the other deductive items specified in section 3(13) which it is now

[15] At page 3534 of volume 53 of the Congressional Record, Senator Walsh offered an amendment to an earlier version of the bill which amendment would have limited the amount to be paid on recapture to original cost less depreciation. This amendment was defeated (volume 53, page 3604).

[16] If depreciation is treated as a cost in a cost-of-service, then it is clear that, in section 3(13) terms, it is totally derived from earnings in excess of a fair return if the project earned its fair return. If the project earned less than a fair return, a proportion of the annual depreciation would still be deductible to the extent the return exceeded the fair return less depreciation.

asserted should be read out of the Act were, to the extent derived from excess earnings, to be deducted from original cost in calculating net investment for recapture purposes. Second Annual Report of the Federal Power Commission, pp. 244, 247, 249. Nowhere is there any suggestion that these statutory items of deductions were intended to be replaced by the earlier established depreciation accounts or section 10(d) accounts.

Next, it has been suggested that statements by the Commission in its First Annual Report indicated a contemporaneous belief that licensees operating pursuant to State regulation would not be making excess earnings. This is clearly not the case. Talking of the expropriation of "excessive profits" provided for under section 10(e) of the Act, the Commission stated that such profits "can arise only in the absence of rate regulation" (First Annual Report of the Federal Power Commission, p. 62) and that, thus, where there is a State regulatory commission empowered to regulate rates of public utilities, this would be "deemed conclusive evidence that such State has, in the language of the Act, made provision for preventing excessive profits" (ibid.). But just previous to that statement, the Commission had made clear that a "distinction should be drawn between 'excessive profits' [within the meaning of section 10(e)] and the [section 3(13)] surplus earnings previously discussed. The former are to be construed in the sense of profits so 'unreasonable' or 'extortionate' that the drastic procedure of expropriation is justified". (Ibid.)[17]

The "previous discussion"—though in terms limited to the section 10(d) amortization reserve—had made clear that there could be excess earnings even though the rates of a licensee were regulated by a state commission. While it anticipated, perhaps optimistically, that the section 10(d) amortization reserve "will seldom, if ever, become applicable in the case of properly regulated public utilities" (id., pp. 60–61), the Commission went on to state that the provision would be utilized "as a means of reducing profits if, in occasional instances, they should clearly exceed a fair return and were not, or could not, be reached by rate regulation" (id., p. 61).[18]

Thus, it seems abundantly clear that the early actions of the Commission which are cited to us are not precedent for the sort of administrative amendment of section 3(13) which licensees would have us perform. Whatever else the first Commission may have done, it did not write the statutory deductions specified in section 3(13) out of the Act.

Aside from these early but inconclusive statements by the Commission, there are two later actions by the Commission which require consideration. The first of these is the abortive 1947 rulemaking effort in Docket No. R–105, which looked towards the establishment of a new Account 258.1 ("Amortization Reserve; Federal") to the Uniform System of Accounts, into which "all project earnings in excess of a fair return upon the net investment in said project and which have not been appropriated to amortization, sinking fund or similar reserves shall be appropriated annually", with the credit balance therein annually deducted in determining net investment "in accordance with section 3(13)."[19] Since the Commission terminated the proceeding without opinion, we can only speculate as to the reasons therefor. It is clear, however, that, as a suggested accounting rule, the proposal suffered from the failure either to attempt to define fair return or to prescribe any method of allocating system earnings to the project. Absent such efforts, there would be no uniformity as to how the reserve would be treated by the individual licensees. Moreover, unlike the present proposal, R–105 would apparently have required a retroactive assignment to a restricted reserve of all excess earnings since the commencement of project operation—even where they had in fact been paid out in dividends—thus, in effect, superseding the section 10(d) reserve designated by Congress with a much broader one. The dismissal by the Commission without opinion of the R–105 proceeding is certainly not a precedent for the dismissal of this proceeding.

The subsequent Commission decision in Niagara Falls Power Company, 9 FPC 228, interpreting section 10(d), defined "net investment" as used in that section as essentially original cost less depreciation. In so doing, however, it went out of its way to distinguish between "net investment" for section 10(d) purposes and "net investment" for sections 14 and 15 purposes. It noted, id. at 236, that with respect to the section 3(13) definition,

> The definition in its entirety, which contemplates computations and determinations of items that "have been accumulated during the period of the license" is not applicable to computations involving a fractional part of the license period—interim determinations of "net investment," such as are required under section 10(d) and other sections of the act. * * *. Taken as a whole the definition in section 3(13) is applicable to determinations made for the entire license period, i.e., such determinations as are required to be made in connection with "recapture" under section 14 of the Act * * *.

Since the Commission was proposing in Niagara Falls to determine the extent of the section 10(d) amortization fund prior to a determination of how to calculate net investment for section 3(13) recapture purposes, it is difficult to see how any other result could have been forthcoming. We need not concern ourselves here with the particular problem to which the discussion in Niagara Falls was directed—the significance of the substitution in section 10(d) in 1935 of the words "net investment" for the words "actual legitimate investment." For present purposes it is immaterial whether (as the Commission held in Niagara Falls) this language meant original cost depreciated and as such was a different use of the language than for recapture calculation purposes, or whether (as staff now contends) Niagara Falls was a misreading and Congress intended to apply the net investment definition appearing in section 3(13) in full in the section 10(d) amortization fund calculation. The licensee's argument in Niagara Falls was that "net investment" in the first phase of section 10(d) meant actual legitimate original cost; no one suggests this is the proper meaning of net investment for recapture purposes. The relevant point here is that the Commission in Niagara Falls made it plain that the calculation of net investment there undertaken for section 10(d) purposes did not apply for recapture purposes. Nor does anything in the

[17] There is nothing inconsistent between this holding and the fact that section 10(e) expropriation authority terminates at the end of 20 years of licensed operation, when the section 10(d) amortization reserve begins to accumulate. The section 10(e) provision for expropriating "excessive profits" is a late addition to the Federal Water Power Act appearing without explanation after the conference in which section 10(d) was, also without elucidation, limited to periods after the first 20 years of licensed operation. It would appear that, while the conferees were unwilling to preclude free dividend distribution during the early years of project operation, they were likewise unwilling to give the licensees completely free rein to make excessive profits from the use of Government resources during this period.

[18] The entire discussion is in context of an assurance that section 10(d) would not normally result in establishment of a restricted fund "sufficient to equal, or even to approach, the cost of the properties". The Commission made clear that "[i]f, however, this should happen in any case, it would be because the public that utilized the service had, year by year, paid for the properties by the medium of rates and had, in addition, left to the licensee for his capital and his services profits so ample as thoroughly to justify the use of the remainder for the acquisition of his properties" (id., p. 61).

[19] The proposed rule, in full, would have read:

> SEC. 03.4. *Uniform System of Accounts—Account 258.1 Amortization Reserve—Federal.* During the entire period of any license under the Federal Power Act for a hydroelectric power project of more than 100 horsepower installed capacity, all project earnings in excess of a fair return upon the net investment in said project and which have not been appropriated to amortization, sinking fund, or similar reserves, shall be appropriated annually to a special reserve under Account 258.1, Amortization Reserve—Federal, the credit balance in such special reserve to be applied annually as a deduction from actual legitimate original cost in determining net investment in accordance with section 3(13) of the Act."

Safe Harbor cases[20] dealing with rates, imply that the recapture price had been set at depreciated original cost.

Consequently, we find nothing in past Commission treatments of "net investment" issues which precludes us from adopting the rule we here promulgate.

MECHANICS OF THE RULE

As a result of our review of the statute, the legislative history, and the administrative history of the net investment problem, we conclude that we are bound only to choose a method of determination of net investment which yields the investors in the project their investment plus a fair return and which does not result in payment by the public of a recapture price which has not been reduced by the excessive profits, if any, already paid by the public, to the extent those profits may or should be found in the specified accounts. Regardless of the method chosen, we reach three conclusions with respect to the mechanics of operation of the rule as a matter of basic fairness and accounting necessity. First, we conclude that, as to all licensees, for the reasons set out below, the entire corporate earned surplus, to the extent that it has always exceeded total project excess profits less depreciation, will be available to reduce net investment by excess profits. Consequently it will, as a practical matter, be highly improbable that a licensee could evade reduction in net investment by the amount of excess profits by any voluntary payment of dividends. Second, we conclude that, for present purposes, net investment must be calculated for each fiscal year. Third, to the extent that a licensee fails to receive a fair return in any year, it should be allowed to recover that difference in future years.

1. One of the problems involved in recapture determination is the availability of the accounts specified in section 3(13) to reduce net investment by the excess profits there contained. Some of the parties have contended that all of a licensee's unappropriated surplus could be paid out in a special dividend just prior to recapture, thus defeating the possibility of reducing net investment from that source. This possibility might be a meaningful one for a licensee operating only a single project, if it had a considerable amount of liquid assets on hand, though even for such a licensee, net investment may be reduced by excess profits found in depreciation accounts, section 10(d) accounts, and the amounts of earned surplus, reserves or income arising from excess profits which have previously been used for additions, betterments or other purposes of the reserves.

Our present system of accounts does not provide for an explicit breakdown of appropriated surplus, or require any specific appropriations of surplus. As noted supra, pp. 7–8, however, at the time of the passage of the Act standard accounting treatment would have provided for specific categories of appropriated surplus, from which no dividends could properly be paid, for appropriations for additions and betterments, sinking fund reserves, contingent reserves and, where necessary, amortization reserves. Ordinarily, of course, in spite of the fact that those accounts are now usually considered part of unappropriated surplus, no dividends would be paid which would reduce surplus beyond the level which those accounts would reach.

For recapture purposes as well, we believe it to be clear that it would be improper for any licensee to reduce its surplus by dividends below that amount which would have been appropriated to the accounts designated in section 3(13) in our 1922 System of Accounts.[21] That amount was not regarded by Congress in 1920 as unappropriated surplus out of which dividends could be paid, but was regarded as appropriated. To the extent that a licensee does attempt to pay out an extraordinary dividend sufficient to defeat reduction of net investment by the excess profits covered by those appropriated surplus accounts specified in section 3(13), this Commission will nonetheless reduce net investment by the amount which should have been retained in surplus. Thus, even a licensee operating only a single project will be considerably restricted in any possible attempt to defeat reduction of net investment by excessive profits.

For a licensee operating more than a single project, the possibility of paying out a dividend sufficient to substantially defeat the recovery of excess profits from unappropriated surplus does not really exist. For business and financial reasons dictated by the evolution of the financing practices of the industry, the vast majority of our licensees (which are multisource utilities) have necessarily maintained large surpluses. This fact, arising from quite valid business reasons, allows the attainment of the Congressional goal of the use of all or most of the excess profits for reduction in the cost of recapture.

Section 3(13) of the Act, quite properly, allows recovery by the public of all excess earnings by reduction of the recapture price, to the extent that the excess earnings are or should be reflected in depreciation and surplus. That section also provides, however, as we have seen, pp. 7–8, supra, that a licensee is always, if it has kept proper books of accounts, left with assets at least adequate to cover the actual investment of all its capital and debt sources. Thus the only controversy here is as to how much in excess of that amount is left the licensee out of excess profits.

Once the investors were assured of the return of their investment on recapture, together with any dividends received over the years, we believe that the intent of Congress was to assure that any excess profits remaining were to be utilized to reduce the recapture price. For this purpose, to the extent that a licensee's earned surplus has, year by year, been in excess of the accumulated excess profits attributable to the project by this rule, less project depreciation, we consider that entire surplus available for use in the reduction of recapture price by the amount of the excess profits.[22] As a result, the recapture of all or most of the excess earnings for almost all licensees can be accomplished with no impairment of the licensees' invested capital accounts.

This treatment of the entire earned surplus of a licensee as ordinarily being available for the purpose of reduction of recapture cost through the use of excess profits is not inconsistent with the actualities of the situation.[23] The surplus accounts of licensees are not, and could not properly be, allocated as to source. The licensees are run as single enterprises, and properly so. It would, as a practical matter, be impossible to attempt to trace the monies which a given project actually produced through their various corporate transmutations. The availability of the entire corporate earned surplus for this purpose is the only result which fits the terms of the Act while allowing a practically feasible accounting treatment.

2. It appears to have been the intent of Congress that the fair rate of return would be calculated on net investment, as the statute provides, and that the statutory net investment would change from year to year during the period of the license. Both sections 4(b) and 304(a) clearly indicate that Congress thought of net investment as a figure changing from year to year, and therefore provided for periodic reports by licensees to assist in the determination of that figure. Section 10(d) of the Act specifically provides that the reserves to be established thereunder may be used in the discretion of the Commission "from time to time" to reduce the net investment. This reduction from time to time is independent of depreciation, and indicates as well, that net investment was thought of as a figure varying from time to time.

Quite apart from the intent of Congress, of course, the use of a net investment figure which varies each year for purposes of calculating recapture price is the only proper way of reflecting the financial changes which have taken place during the year. Once excess earnings in a given year have returned to the licensee a part of its original investment, a fair return should, as a matter of simple fairness, be allowed in later years only on the portion of the original investment which remains unrepaid. In other words, once a licensee has received back a portion of

[20] Safe Harbor Water Power Corporation, 2 FPC 182 (1940) reversed 124 F. 2d 800 (C.A. 3, 1941), certiorari denied, 316 U.S. 663, on reconsideration 5 FPC 221 (1946).

[21] Other than the unappropriated surplus account as it would have stood under our 1922 System of Accounts.

[22] If, for example, the system earned surplus does not exceed the total project excess profits less project depreciation at the end of a year, but reflects at least the appropriated surplus accounts of section 3(13), then to the extent of the deficit, it is clear that surplus as of the recapture date could not properly be attributable to the project.

[23] To the extent that surplus has always covered accumulated excess earnings, as explained on p. 32, supra.

the money it originally invested, it should no longer be allowed a return upon the repaid money as part of the fair return upon the net investment.[24]

3. Conversely, however, if a licensee in any year of operation receives less than the fair return, the difference between the fair return and the return received should be allowed the licensee in later years, over and above the fair return applicable to those years, which difference should not be considered excess earnings. The fact that this additional return has been delayed for one or more years should also be taken into account, and a fair return on the delayed earnings should be allowed for the time of the delay. Perhaps the simplest method of making this computation is to add the difference between a fair return and a (lesser) return received in any year to the net investment, for computation purposes, and in later years compute the fair return upon the total amount.

Depreciation[25] should be deducted from the statutory net investment only to the extent to which revenues are sufficient to cover it, in addition to other costs. To the extent that still other costs, in addition to depreciation, are not covered by revenues,[26] these costs also should be added to the statutory net investment for computation purposes, to determine the amount upon which a fair return should be allowed in the following year.

Fair Return

The decision as to what would be a fair rate of return upon a licensee's net investment was deliberately not made by Congress at the time of the passage of the Federal Water Power Act. Rather, that decision was left to the judgment of this Commission. The legislative history demonstrates that Congress left that task to us in large part because the risk which licensees would be undertaking in constructing a project was not at all clear in 1920. Neither was it certain how profitable hydroelectric projects could be, or to what degree the profits made from the use of these resources belonging to the people of the United States would be regulated or restricted by the States having jurisdiction.

The proposed rule, promulgated after our review of the risk and profitability of the projects we have licensed, provides for a fair rate of return on net investment to be determined, in the absence of a convincing special showing to the contrary, at 6 percent or one and one half times the weighted average annual embedded cost rate of long term debt,[27] whichever is higher. We are not persuaded, upon our further review of the history of licensed projects, and consideration of the arguments urged upon us, that any other method of determining the fair rate of return for a licensee would be more appropriate as the norm. Fixing the rate of return in relationship to the cost of capital[28] allows adjustments to be made automatically for projects of varying risk and for the varying cost of long term financing; at the same time we do not think that 6 percent will normally be likely to exceed the upper limits of the range of fair return rates.[29]

We recognize, of course, that a fair rate of return need not be uniform for all projects, or for all years of a particular project; we find only that the proposed standard is the most appropriate starting point.[30] Our rule provides that if a licensee or any other party disagrees with the result reached under the rule for any period, it may demonstrate the reasons for its disagreement, together with full supporting data, and the result it would have us reach. We shall, of course, give careful attention to such demonstrations, although we believe that the rate chosen will be fair and equitable for the vast majority of licensees.

Allocation of Earnings to the Project Works

In the majority of cases a licensed project is only one part of a larger electric system owned by the licensee. A licensee may own many different projects. It may also own plants which generate electricity by other means, and it may own transmission lines, buildings and mobile equipment. In order to determine what return has been earned upon the statutory net investment in the project, it is necessary to know how much of the overall earnings of a licensee should be attributed to the project works.[31] Such an allocation requires a conceptual separation of the project from the remainder of the system.

One of the factors which must be kept in mind with respect to allocation arises from the fact that we are dealing with a regulated industry. In such an industry, while overall profits of a licensee may vary drastically as a result of management decisions, in theory each dollar of rate base earns the same amount in every plant.

Three alternative proposals for allocation of a licensee's earnings were set forth in the proposed rule in this proceeding, designated as Alternatives A, B, and C. Alternative A was intended to reflect the contribution of a project to total profits by taking into account project efficiency and utilization. Alternatives B and C do not attempt to take account of the contribution of a project to the overall efficiency of a licensee. Both these alternatives regard the level of overall profits for the company as fixed without regard to any special contribution of the project, and merely allocate the overall profit, once made, between the project and the remainder of the system.

Alternative A proposed that allocation be made of earnings between a project and other parts of licensee's system partly on the basis of capacity and partly on the basis of power generated. Under this alternative it would be assumed, in the absence of a contrary showing, that capacity and actual generation should weigh equally in the scales.

Alternative A commanded little support from those who presented views to the Commission. It was alleged that the 50–50 weighing of capacity and generation is arbitrary and has no real foundation and that such a method of allocation takes account only of generating facilities and completely omits consideration of transmission lines, office buildings and other nongenerating facilities upon which a return will be allowed by the regulatory commission having jurisdiction. The most important objection to Alternative A, however, is that records are unavailable to support allocation by this method for long periods in the case of many licensees. It is a method foreign to the common practice of regulatory commissions in fixing returns on the basis of a rate base established by the books and records of the company and

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[24] We note that the "compounding effect" complained of by some of the parties would not occur had they not made more than a fair return on the net investment they concede to be proper. If a project makes no more than a fair return, net investment is never reduced below depreciated original cost.

[25] The treatment of depreciation as a cost and an unfunded account, prescribed by the first Commission, resulted in a situation where depreciation is automatically treated as excessive earnings if the fair return limit we set is reached. If depreciation were a funded reserve, it would be treated as additional return instead of cost. Consequently the treatment we here prescribe with respect to earnings will insure that the same result be reached as if depreciation were treated as a funded reserve and an element of return.

[26] Since the allocation method used allocates only system net-operating revenues, in order for costs not to be covered by revenues, there would have to be no system net operating revenues. If such a system deficit occurred, it could be allocated in the same fashion as system revenue.

[27] For the purpose of the net investment computation prescribed herein, the term "long term debt" shall mean debt defined as long term under the Commission's Uniform System of Accounts.

[28] There will be, of course, a limitation implied that the interest rate on long term debt must have been prudently acquired.

[29] There may be situations when the Commission has itself fixed the just and reasonable rate of return for a project for rate purposes. In such a case, although we do not here decide the issue, that just and reasonable rate may represent the appropriate fair rate of return.

[30] The rate of return of course, is relevant only in the context of a specific base upon which fair return is calculated. We find that this rate of return, combined with the net investment as calculated, produces a fair and equitable result.

[31] We are concerned here only with the statutory net investment in the physical structures and interests in land and water rights of a project, since it is only these structures and property rights that can be recaptured or licensed elsewhere at the end of the original license period. Working capital, for example, while it may be necessary to the operation of the project, is not part of the investment in the structures and rights that are to be recaptured. This is not to say that in a ratemaking proceeding no return should be allowed upon working capital; it is to say that the return upon working capital should not be considered part of the return to be allocated to the project nor should working capital itself be considered part of the statutory net investment in the project.

either fair value or depreciated original cost of physical structures. In practice, Alternative A appears virtually impossible to apply.

As noted above, neither Alternative B nor Alternative C attempt to reflect the contribution of low-cost hydro power to the system's overall profit. Rather, they both merely allocate a portion of the system profit, once that is established, to the project. In short, Alternative B makes the allocation on the basis of the depreciated original cost of the project as a percentage of the depreciated original cost of the system. Alternative C makes the allocation on the basis of the "net investment" of the project as a percentage of the sum of the depreciated original cost of non project system plus "net investment" of all system projects.

Ordinarily, a licensee's projected allowed return will be determined by a regulatory body on the basis of its rate base and a fixed rate of return. Consequently, at least conceptually, every dollar of rate base earns the same return. Because of this assumption, it would seem that the earnings of a licensee's system should be apportioned between the project and the remainder of the system on the basis of the proportion of the system rate base contributed by the project. The percentage contribution of a project to a rational rate base should also be a measure of the actual contribution to system earnings. But rate base actually used is not a figure which can easily be established. In a majority of States the amount of the rate base is determined, in theory, on the basis of depreciated original cost with certain adjustments. Even in those States, however, the exact contribution of a given project to a licensee's rate base would be difficult to determine. In other States the rate base is determined upon the basis of "fair value"—which may take into account reproduction cost and many other factors in addition to depreciated original cost. If fair value is the determining factor, it is usually impossible to establish the precise contribution of the project to the regulated company's rate base in a particular year. In practice, therefore, the earnings of a company cannot be apportioned on the basis of the contribution of the project to the rate base. While the exact contribution of any physical structure to a regulated company's rate base is almost impossible to reconstruct, a close approximation to that contribution in most States and in most past proceedings before this Commission will be the depreciated original cost of the structures, the system used in Alternative B.

The method of allocation suggested in Alternative C would divide the income of a regulated company between the project and the balance of the system on the basis of statutory net investment in the various projects of the system, while using depreciated original cost as a basis for determining how much of the earnings should be attributable to nonproject assets such as transmission lines, thermal generating stations, office buildings and the like. The primary problem with Alternative C is that the allocation percentage declines to the extent that a project has earlier received a return in excess of a fair return. But there can be no justification for reduction of earnings presently attributable to a project merely because a project has been exceptionally profitable in the past. The Commission staff in advocating this method of allocation has urged that the Commission also modify its computation of the rate base in rate cases to reflect only the statutory net investment—that is, depreciated original cost less any properly deductible excess earnings from prior years. If this were done, then Alternative C would bear some relationship to the contribution of a project to system earnings, which it does not presently do. The problem now before us, however, is to allocate earnings for many prior years, and for these prior years the statutory net investment in a project was relevant neither to the actual contribution of the project to system earnings or to the calculation of system rates as prescribed by any regulatory authority.

For the same reasons that have led most states and this Commission to utilize a rate base bottomed on depreciated original cost, we think that the allocation which in the majority of cases most closely approximates the percentage of a regulated company's earnings attributable to a project is one based upon depreciated original cost, with such adjustments as are customarily made by this Commission in establishing a rate base. This is, in general, the method set forth in Alternative B. We believe this method to be the fairest of those available to us and to produce a result fair to the licensee as well as the public.[32] To the extent to which this method may err with respect to allocation of earnings of a company regulated under the so-called "fair value" concept, it appears that the error in most cases will reduce the earnings attributable to the project; the error, therefore, in most cases will favor the licensee. In those cases, if any, where it can be demonstrated that the use of this allocation formula is unfair to the licensee, the licensee upon proper application to this Commission and a proper showing that another allocation method should be used may obtain appropriate relief.

Changes in Alternative B

Although we have adopted the underlying principle of Alternative B that allocation of earnings should be made on the basis of depreciated original cost, we believe that certain language changes contained in Alternative C should be adopted into Alternative B for purposes of clarity. The term "net operating revenues" used in Alternative C should be substituted throughout Alternative B for the term "net operating income." Paragraph (i) of Alternative B should be replaced by the language of paragraph (2) from Alternative C which equates project earnings to the allocated portion of the net operating revenues. Other clarifying changes have been made to conform to these changes and to simplify the order.

We believe that the foregoing method is the most realistic method so far suggested for the allocation of a portion of a licensee's earnings to project structures, and will result in as fair an allocation as is possible in the great majority of cases.

It has been suggested that our action here would disrupt the present pluralistic nature of the electric power industry, as well as the existing pattern of rate regulation. We do not believe that the promulgation of this rule will increase the likelihood of recapture of any project. Clearly, the cost of recapture of a project, which is likely to be a "bargain" under any net investment formula suggested in this proceeding, is only one of the factors in the decision of Congress to recapture; there are other equally strong or stronger considerations which must be taken into account in making that decision.[33] Moreover, the action we take here should not have any effect on rate determination by the various States, since no State regulates on a "net investment" basis. As for our own wholesale rate regulation, our action does not decide the issue of whether we should utilize the "net investment" figure.

The Commission finds: The amendment of Parts 2 and 14 of the Commission regulations under the Federal Power Act set forth in Title 18 of the Code of Federal Regulations, prescribed herein, is necessary and appropriate for the administration of the Federal Power Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 3(13), 4, 14, 15, 304(a), 309, and 311 thereof (41 Stat. 1063, 1065, 1071, 1072, 1353; 46 Stat. 798; 49 Stat. 838, 844, 855, 858, 859, 884; 61 Stat. 501; 16 U.S.C. 796, 797, 807, 808, 825c, 825h, 825) orders:

(A) Part 2, General Policy and Interpretation, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, shall be amended by adding a new § 2.10 to read as follows:

§ 2.10 Calculation of net investment in licensed projects.

(a) Unless otherwise provided by the Commission, upon the basis of a satisfactory showing by the licensee, the "net investment" in a project at any time shall be calculated as follows:

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[32] In cases where it appears that the application of this rule could cause additions or betterments to a project required for comprehensive development to be financially infeasible to the licensee, the Commission will give consideration, upon a proper application and showing, to providing appropriate relief, through separate licensing of such project works for terms coincident with that remaining for the original license or by other means.

[33] See our discussion of these considerations in our letters to the President of the Senate and the Speaker of the House transmitting our recommendations on Project Nos. 2221 (Ozark Beach) and 619 (Bucks Creek), dated Feb. 23, 1967, and Oct. 11, 1967, respectively.

(1) The net investment in the project at any time shall be the actual legitimate original cost of the project (less retirement plus additions and betterments) less accumulated depreciation less all accumulated project excess earnings as herein calculated.

(2) The fair rate of return on the "net investment" for any year shall be one and one-half times the weighted average annual embedded cost rate of long term debt, or 6 percent, whichever is higher.

(3) Earnings in excess of a fair return on the "net investment" in a project licensed to a public utility or other entity engaged in the distribution or sale of electric energy other than for its own use or the use of an affiliated company for any year shall be calculated as follows:

(i) The net operating revenues for the licensee's entire electric system shall first be determined. Net operating revenues shall be defined as electric system operating revenues less (*a*) operation expense (*b*) maintenance expense (*c*) depreciation expense (*d*) applicable tax expense. The earnings of the project for the year shall be the amount of net operating revenues attributable to the project.

(ii) The amount of said net operating revenue attributable to the project shall be determined by allocating to the project a percentage of said net operating revenue equal to the percentage which the average depreciated project plant is of the average electric plant in service less average accumulated depreciation thereon and average accumulated contributions in aid of construction therein, plus allowed working capital for the licensee's entire electric system.

(iii) To the extent that the net operating revenue allocated to the project exceeds in any given year the fair return upon the net investment in the project for that year, such net excess operating income shall be considered earnings in excess of such fair return. Net investment for this purpose is the net investment in the project at the beginning of the year less one-half year's depreciation on project plant plus the average amount of additions and betterments (less retirements) made to project plant during the year.

(iv) If the net operating revenue allocated to the project is less than a fair return upon the net investment in the project, the accumulated excess earnings total for all years shall be reduced by the amount of the deficit.

(B) Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations, shall be amended by adding a new Part 14 to read as follows:

§ 14.1 Report required.

(a) Within 6 months from the issuance of the regulations in this part all licensees shall report to the Commission their net investment in each licensed project the license for which is due to expire by January 1, 1972, for each and every year the project is under license with full and complete supporting data. The calculation of net investment shall be made in accordance with § 2.10 of this chapter. A similar report shall be made for all other licensed projects within 2 years after the issuance of these regulations. Thereafter within 3 months after the close of each of licensee's subsequent fiscal years, each licensee shall annually report its net investment in each project to the Commission.

(b) In the event licensee disagrees with the computation of the net investment in the project as set forth in the aforesaid § 2.10 of this chapter, licensee shall fulfill all requirements set forth in § 2.10 of this chapter and in addition shall set forth its own computation of net investment, for each year the project is under license, with full supporting data and reasons.

These amendments shall become effective upon the date of issuance of this order.

The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-12119; Filed, Oct. 4, 1968; 8:45 a.m.]

[1] This order was adopted before Commissioner Ross left the Commission. Concurring statements of Commissioners Ross and Bagge and dissenting statement of Commissioner Carver filed as part of the original document.

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

PART 1500—GENERAL PROCEDURAL PROVISIONS

Regional Offices and Jurisdictional Areas Modified for Low-Rent Housing Program

APPENDIX

Chapter III of Title 24 of the Code of Federal Regulations is amended by revising Appendix A to § 1500.7 to read as follows:

APPENDIX A—LIST OF HUD REGIONAL OFFICES AND JURISDICTIONAL AREAS MODIFIED FOR LOW-RENT HOUSING PROGRAM

Region	Address	General jurisdictional area	Addition to region for low-rent housing program
I	26 Federal Plaza, New York, N.Y. 10007.	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont.	
II	Widener Bldg., 1339 Chestnut St., Philadelphia, Pa. 19107.	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia.	
III	Peachtree-Seventh Bldg., Atlanta, Ga. 30323.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.	
IV	360 North Michigan Ave., Chicago, Ill. 60601.	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.	
V	Federal Office Bldg., 819 Taylor St., Fort Worth, Tex. 76102.	Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas.	Development matters for Mississippi Band of Choctaw Indians in vicinity of Philadelphia, Miss. (but management matters under Reg. III). Reg. III modified.
VI	450 Golden Gate Ave., Post Office Box 36003, San Francisco, Calif. 94102.	Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.	Navajo Indian Reservation in New Mexico, and other Indian programs in Colorado and New Mexico. Reg. V modified.
VII	Post Office Box 3869, GPO, San Juan, P.R. 00936.	Puerto Rico and Virgin Islands.	

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d); sec. A, 4, of Secretary's delegation effective July 1, 1966 (31 F.R. 8967, June 29, 1966))

Effective date. This amendment is effective as of October 7, 1968.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 68-12145; Filed, Oct. 4, 1968; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 827a—RELEASE OF INFORMATION ON ACCIDENTS

Part 827a is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 827a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 190–10, May 16, 1968.

§ 827a.0 Purpose.

This part establishes procedures for releasing information on Air Force aircraft, missile, vehicular, nuclear, chemical, biological, nonnuclear munitions, and toxic material accidents to news media as quickly as possible. It does not provide detailed instructions for every situation that might develop. It does furnish guidelines to positive actions that must be taken to protect classified defense information and at the same time meet the needs of public news media.

Subpart A—General

§ 827a.1 Definitions.

Explanations of the following terms conform to those given in DoD Instruction 5230.16 and are applicable for the purpose of this part:

(a) *Base.* Any Air Force installation on active status.

(b) *Classified defense information.* Official information which must be safeguarded in the interest of national defense and is classified for that purpose by an appropriate classifying authority. It includes documents, material, or equipment in which classified information is recorded or embodied.

(c) *Nuclear accident.* An accident involving nuclear weapons or nuclear components which results in any of the following:

(1) Nuclear detonation.

(2) Nonnuclear detonation.

(3) Radioactive contamination.

(4) Loss of, or serious damage to, a nuclear weapon or nuclear component, including jettisoning.

(5) Public hazard, actual or implied.

(d) *Photograph.* Any plate, negative, print, sketch, or other form of graphic representation.

(e) *Significant incident.*

NOTE: The term "incident" is synonymous with "significant incident" as explained in subparagraph (1) and (2) of this paragraph.

(1) An incident involving nuclear weapons or nuclear components which required immediate action in the interest of safety or which may result in premature release of information or adverse public reaction (national or international).

(2) Any unexpected event which prudence and good judgment dictate to be of such immediate or potential consequence as to warrant the informational interest of the Department of Defense, the Joint Chiefs of Staff, and the Atomic Energy Commission. This will include damage to a nuclear weapon or nuclear component to the extent that major replacement is required.

NOTE: The Air Force nickname "Bent Spear" (nuclear incident) is not necessarily equivalent to significant incident. A "Bent Spear" report must always be evaluated to determine whether it should be classified as a significant incident.

§ 827a.2 Policy.

(a) Air Force policy is to keep the public informed on a timely basis of Air Force activities, whether favorable or unfavorable. Every consideration must be given to meeting the needs of public information media. Therefore, unclassified information about Air Force accidents or missing aircraft will be released promptly to news media representatives. Air Force units will provide maximum cooperation, consistent with national security responsibilities, to properly identified U.S. news media representatives who are covering military accidents.

(b) After an accident, the following actions are of major importance: Rescuing the injured; preventing further injury and loss of life; protecting property and investigative data (AFR 127–4 Investigating and Reporting USAF Accidents/Incidents) from loss or damage; safeguarding classified defense information; and meeting the needs of public information media. Satisfying these urgent requirements under the trying conditions normal at accident scenes calls for close cooperation and mutual understanding between the Air Force and news media representatives.

(c) Such cooperation is particularly important in protecting classified defense information. The Air Force is authorized and obligated, by Federal law and Executive Order, to protect such information. All Air Force personnel share the obligation to protect classified material both on and off base. Therefore, after an accident, the safeguarding of classified defense information is of major concern. Air Force protective actions are concerned only with preventing compromise of classified defense information, however, not with executing Federal criminal law.

(d) Commanders of Air Force installations will advise local civil law enforcement officials in advance that the Air Force may call upon them for assistance and cooperation when military accidents occur outside military installations. These officials should be informed that Federal law makes the unauthorized photographing, unauthorized publishing, or refusal to properly surrender classified defense information a criminal offense (18 U.S.C. 793(e), 795, 797).

(e) Commanders and information officers will inform local news media and civil defense officials about Air Force policies on handling accidents and about the legal provisions in (d) above. When possible, the information will be provided through conferences attended by news media representatives, local civil defense officials, base information officers, and base operations and security police representatives.

(f) Base information officers will coordinate the release of casualty information with the base casualty reporting officer to insure that the information provided the next of kin is consistent with that released to the news media. Next of kin of killed or seriously injured military personnel will be notified as required by AFM 30–4 (Casualty Services).

(g) Community relations aspects of off-base aircraft accidents will be handled according to AFR 190–4 (Community Relations and Emergency Assistance Procedures After an Off-Base Aircraft, Missile, Ground, Water, or Explosives Accident).

(h) When more than one service is involved in accidents, information will be released according to AFR 190–8 (Release of Information When More Than One Service is Involved in Accidents or Incidents).

(i) Accidents involving chemical or biological materials will be handled according to Confidential Safoix Almajcom message 724/64, March 26, 1964, AFR 355–7 (Response to Major Peacetime Accidents Involving Nuclear and Nonnuclear Weapons, and other Dangerous Materials), AFR 190–4, and this part as supplemented by more detailed and specific instructions issued in a movement and/or operations plan or order.

(j) Each major command will develop, and insure that its subordinate commands and bases develop, comprehensive nonnuclear and nuclear accident information plans, and review them for adequacy at least annually. The format may be a plan, regulation, or supplement, as appropriate or as directed. Nuclear plans will include provisions for contingency or additional coordinated releases or modifications of releases that may be made under particular conditions.

827a.3 Control of photography.

(a) *Outside military installations within the United States and its territories.* (1) At the scene of an accident, Air Force representatives should advise news media representatives, to the extent feasible, not to go too close for their own safety, when there is danger of an explosion or other hazard. Media representatives will also be advised not to interfere with firefighting and investigative activities; however, Air Force personnel will not forcefully exclude media representatives from nonnuclear accident areas.

(2) If the senior Air Force representative at the scene is qualified to do so, he will determine, as soon as possible, whether classified defense information is exposed. If he is not qualified, he will immediately summon someone who is. This determination must be made as soon as possible. If no classified defense material is exposed, the Air Force representative will permit photographs. If classified defense information is exposed, he will have it covered or removed immediately before permitting photographs.

(3) If exposed classified defense information cannot be removed or covered immediately, the senior Air Force representative will advise news media representatives that he cannot give permission to make photographs. Also, he will:

(i) Inform news media representatives of the presence of exposed classified defense information which cannot be removed or covered immediately, and ask them to cooperate in its protection. Inform photographers that violations of

the prohibition on photographing classified defense information are also violations of Federal criminal statutes (18 U.S.C. 795, 797).

(ii) Refrain from using force if news media representatives refuse to cooperate in protecting the classified defense information, but request:

(*a*) The assistance of appropriate civil law-enforcement officials in preventing compromise of such material and in recovering all photographs, negatives, and sketches presumed to contain classified defense information; and

(*b*) The cooperation of the superiors of the offending news media representatives, informing them that publication of the classified defense information or refusal to return it to military authority will be a violation of Federal statutes (18 U.S.C. 793(e), 795, 797).

(iii) Submit to the Assistant Secretary of Defense (Public Affairs) (ASD/PA), through channels, a message report concerning refusals of news media representatives or their superiors to cooperate as prescribed in subdivisions (i) and (ii) of this paragraph.

(4) If the senior Air Force representative at the accident scene does not know whether classified defense information is exposed, he will so inform photographers and advise them that he cannot give permission to make photographs. He will also explain that if they take pictures without permission, they may violate Federal law and compromise national security (18 U.S.C. 795, 797). Air Force personnel will not physically restrain news media photographers from making photographs.

(b) *Outside an Air Force installation in a foreign country.* Actions restricting photographs of accidents will be according to treaties, intergovernment agreements, understandings, laws of the host country, and implementing instructions issued by oversea commanders concerned. Oversea commanders will publish appropriate supplements to this regulation for their areas of responsibilities, consistent with the provisions of applicable treaties, agreements, understandings, and laws.

(c) *Within an Air Force installation.* (1) Competent authority will determine as quickly as possible whether classified defense information is exposed. If none is, news media photographs will be permitted. If classified defense information is exposed, it will be removed or covered as soon as possible and photographs will then be permitted.

(2) If classified defense information is exposed and cannot be removed or covered, all civilian photographs will be forbidden. If photographs are made, they will be taken into military custody for prompt development and examination. Receipts for the photographs will be given. Upon development, photographs that show no classified defense information will be returned to the person who made them. Any that show classified defense information will be turned over to the Office of Special Investigations.

§ 827a.4 Release of information.

(a) Upon being advised that an accident has occurred, the commander of the base nearest the scene will instruct his information officer to provide all releasable information to news media as quickly as possible. If he does not have an information officer, the commander must personally assume responsibility for releasing information until a qualified information officer is available from another installation. After his initial report to news media, the commander or information officer will remain in communication with officials at the crash site and with news media. If additional information personnel are available at the base, the information officer will go to the site of the accident, or send a representative as quickly as possible. If both the commander and the information officer visit the scene, an information representative must remain at the base to answer queries from news media.

(b) Major commands will periodically call to the attention of installation commanders without primary duty information officers the regulatory provisions and requirements for release of accident information to public news media.

§ 827a.5 Preparation of news releases.

(a) *Accidents in which casualties do not occur.* Unclassified facts, substantially as follows, will be released as quickly as possible to news representatives:

(1) Statement that the accident occurred.

(2) Location and time of accident.

(3) Time and place of aircraft departure and destination.

(4) Biographical information about persons involved.

(5) Type of aircraft. (Do not give exact designation of experimental model not yet announced, nor indicate type when it would disclose the nature of a classified mission.)

(6) Facts of the mission in which the aircraft was engaged. (When circumstances permit, avoid use of the term "routine training flight"; give full facts within the bounds of security.)

(7) A statement, in answer to questions about the accident cause, that a "board of qualified officers will investigate the accident." (This should be the customary reply to questions of this nature.)

(b) *Accidents in which casualties occur.* Unclassified facts pertaining to the accident, as explained in paragraph (a) of this section, may be released at once. Names of casualties will be released as follows:

(1) Accidents on Air Force Installations:

(i) Names and addresses of deceased military personnel will be withheld until the next of kin have received notification, or until 4 hours after the official notification has been dispatched. Names will be released individually, however, as soon as one of these criteria is met. Simultaneous release is not required. Names of survivors, including the seriously injured, may be released as soon as they are positively identified.

(ii) Every effort, consistent with requirements for accuracy, should be made to release names, ages, and addresses of survivors when news of the accident itself is released, or as soon thereafter as possible. This will lessen the anxiety of relatives.

(2) Accidents off Air Force installations.

(i) When a military aircraft crashes in or on the border of a city or town, or when an accident causes civilian casualties or appreciable damage to property, or otherwise results in a major impact on the civilian domain, the names and addresses of military personnel concerned will be released as soon as they are positively identified.

(ii) If a military aircraft crashed in a locality remote from populated areas and does not cause civilian casualties or appreciable property damage, or otherwise result in a major impact on the civilian domain, the names and addresses of military personnel may be withheld until the next of kin have received official notification of the accident, or until 4 hours after the notification is dispatched.

(iii) If military personnel figure in accidents involving civilian or military automobiles, trains, commercial or private airplanes, or in any other accident not involving a military aircraft, their names, ages, and addresses will be released as soon as they are identified.

(iv) The information officer of the departure base will immediately release to news media the entire passenger list (and the crew, if military) of military passenger or chartered aircraft officially declared missing or known to have crashed or ditched in a remote area.

(3) Information from nonmilitary sources: Sometimes news media representatives may obtain from nonmilitary sources positive identification of persons fatally injured in a military aircraft accident. Unless immediate release is required under subparagraph (2) (i) of this paragraph, military confirmation will not be given until next of kin have been officially notified, or until 4 hours after the official notification has been dispatched.

(c) *Overseas.* (1) The major commander will release names of casualties to news media 24 hours after the casualty report is transmitted under AFM 30–4, or when acknowledgment of the casualty report is received, whichever is earlier.

(2) Major commanders may delegate release authority to subordinate commands.

(d) *Releasing names of foreign nationals.* When foreign nationals under Air Force auspices are accident casualties, regardless of where the accident occurs, the release of their names will be withheld until 48 hours after dispatch of the casualty report to Hq USAF.

(e) *Air Force photography.* Official Air Force accident photographs that do not reveal classified defense information and do not show bodies or parts of bodies may be released to news media.

(f) *Courier personnel.* If a military courier is involved in an Air Force aircraft accident, the courier status of the person will not be revealed until all the classified documents being transported by him have been recovered by competent U.S. officials, to avoid jeopardizing the security of classified documents that could be in his possession.

§ 827a.6 Liaison with news media.

(a) Accident areas outside military installations are sometimes roped off or surrounded by a cordon to protect the public from danger of fire, explosion, or other hazards; prevent disturbance or theft of Government property, including material essential to determination of accident causes; or preclude compromise of classified defense information. Bona fide news media representatives normally will be permitted to enter the roped-off or cordoned area. However, if a qualified military authority has determined that classified defense information is exposed:

(1) The Air Force representative will so advise media representatives and civil authorities. He will ask media representative not to enter the area from which the classified information can be seen, or to leave it if they are already present. If they refuse to cooperate, the Air Force personnel will not restrain them by force. The procedures in § 827a.3(a)(3) will be followed.

(2) As rapidly as releasable information becomes available at the accident area command post, it will be released to media representatives who have been asked not to enter or remain in areas in which classified defense information is exposed. As soon as the classified defense information has been removed or covered, the information officer will invite news media representatives to enter the area.

(b) When feasible, Air Force information officers will supply identifying badges to news media representatives visiting a crash area. The badges will be issued on a temporary basis and will be collected by the information officer or his representative as the newsmen leave the accident scene.

Subpart B—Nuclear Accidents and Incidents

§ 827a.7 Background.

(a) In an accident or incident involving a nuclear weapon, nuclear warhead, or reactor, the possibility of a nuclear explosion is remote. Other nuclear materials do not present a possibility of nuclear explosion.

(b) All U.S. nuclear weapons and warheads incorporate positive safety features. Sound operational procedures, coupled with constant training and supervision, further increase their safety.

(c) When an accident involves nuclear weapons or warheads, it is possible that the conventional high-explosive component may explode or burn. Such an explosion or burning would not produce an atomic detonation and its associated fallout; however, the blast or burning of the high-explosive components may scatter the raw nuclear materials and cause contamination.

(d) To minimize damage to property and protect persons in the immediate location from possible contamination, Air Force directives require all major commands to insure that bases under their jurisdiction develop and maintain an effective accident response program. AFR 355–7 (Response to Major Peacetime Accidents Involving Nuclear and Nonnuclear Weapons, and Other Dangerous Materials) directs all major commands to insure that bases under their jurisdiction develop and maintain an effective capability to cope with accidents involving nuclear weapons.

(e) National security dictates that only limited information be released on nuclear weapons, warheads, or materials; normally, the presence of either nuclear weapons or nuclear components will be neither confirmed nor denied. As an exception, however, in any incident or accident involving a nuclear weapon, official confirmation of the presence of such weapon may be made when it will have significant value in conjunction with public safety or as a means of reducing or preventing widespread public alarm. Such official confirmation might be needed if an accident requires the evacuation of personnel, or is followed by radiation team or other unusual activity observable by the general public which results in generation of alarm, thus necessitating a factual, official statement of reassurance. If such announcements are required, local civil law enforcement and Civil Defense officials will be informed promptly that unclassified information about accidents in which nuclear weapons, warheads, or materials are present will be released, in accordance with this subpart, as soon as possible. Responsible commanders as defined in § 827a.8(a)(1) will give such releases priority after immediate emergency safety actions have been taken.

(f) Only responsible commanders and information officers may release information about nuclear accidents to the public or discuss such accidents with news media. Responsible commanders may authorize interviews with personnel concerned with the accident; however, all personnel should be advised to exercise extreme caution in making public statements on the subject, and be briefed properly regarding the safeguarding of classified information.

§ 827a.8 Responsibility for releasing information.

(a) *In the United States.* (1) The Air Force commander having physical possession of nuclear weapons, warheads, or other nuclear materials involved in the accident has and maintains primary responsibility for releasing information concerning the accident. This conforms to the Joint Department of Defense and Atomic Energy Commission agreement of May 9, 1966, on the general areas of responsibility and general procedures required for prompt, effective, and coordinated response to accidents involving radioactive material.

(2) If the commander with primary responsibility is not immediately available or capable of making such releases, the commander of the military installation of facility nearest the scene of the accident will assume responsibility until relieved by the Air Force commander having primary responsibility.

(3) The commander of primary responsibility will assume release responsibility at the scene of the accident as soon as possible and will conduct all information activities until action on the accident is completed.

(4) The major command concerned will immediately dispatch a senior information officer, and any other qualified specialists required, to the accident scene. The command information officer will assist the responsible commander in handling information about the accident.

(b) *In unified and specified commands.* The specific information actions to be taken in connection with nuclear accidents, and the manner in which they are carried out, will be according to the Unified or Specified Command Plan for nuclear accidents. These plans will be based on DoD Instruction 5230.16.

§ 827a.9 Release procedures.

The following procedures have been established to insure prompt release of information by a responsible official at the scene, should a nuclear accident occur:

(a) *Within the United States and Its Territories.* (1) The responsible or interim commander (whichever is first on the scene) will immediately insure that all unauthorized personnel are cleared from the immediate vicinity of the accident for a distance of at least 2,000 feet, according to AFR 355–7. The commander will authorize bona fide news media representatives to enter the cleared area as soon as he considers it safe and classified nuclear materials have been secured. To insure that the public promptly receives complete and accurate accident information, within security limitations, the commander will place information personnel at the accident-scene command post to assist news media representatives.

(2) The responsible (or Interim) commander will release accident information to the public as soon as possible.

(3) After the responsible commander and his information officer arrive on the scene, the interim commander will continue to provide any information, personnel, and logistical support required.

(b) *Overseas.* (1) Commanders with responsibilities in areas outside the United States or its territories will develop contingency announcements and methods of release in consultation with the chief of the U.S. diplomatic mission in the country concerned. Plans and directives will include appropriate procedures for expeditiously informing the government concerned and the chief of the U.S. diplomatic mission of emergency news releases, and where applicable for use of the host government's public release facilities. If time permits, such announcements should be made with the concurrence of the chief of mission.

When feasible, plans for such concurrence should be worked out in advance.

(2) Plans will be submitted to the appropriate unified command for final review and approval. After approval of the plans, the information officer will clear the contingency announcements and release methods with the host government only with the agreement of the chief of mission and only with a representative of the host government specified by him. In some cases, the chief of mission may have to make the approach himself if one is to be made.

§ 827a.10 Liaison with news media.

In preparing to cope with nuclear accidents, commanders will insure that all information officers, in conjunction with base disaster preparedness officers and directors of security police, initiate and maintain an active program of briefings, meetings and personal contacts with local-area police, fire, safety, and Civil Defense officials and news media. The program should accomplish these objectives:

(a) Promote widespread understanding about nuclear safety and the precautions and procedures the Air Force has established to eliminate hazards to personnel and the public should an accident involving nuclear weapons, warheads, or materials occur.

(b) Seek cooperation of local civil officials and news media to insure that information available to the public about nuclear accidents is accurate, timely, and as complete as security limitations permit.

(c) Encourage the preparation of joint plans and procedures that complement Air Force, local base, and tenant unit plans for release of information on nuclear accidents. Air Force representatives should help local officials develop mutually beneficial plans and programs.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, USAF, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 68-12156; Filed, Oct. 4, 1968; 8:47 a.m.]

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 870—AIR FORCE RESERVE OFFICERS TRAINING CORPS

PART 873—AIR FORCE ROTC FLIGHT INSTRUCTIONS PROGRAM (FIP)

Miscellaneous Amendments to Chapter

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 870.7 is amended by revising paragraph (a)(3)(ii); § 870.12 is revised; § 870.20 is amended by revising condition entry of Rule 4, Column A.

§ 870.7 Organization of the training program.

* * * * *

(a) *The institutional phase.* * * *

(3) * * *

(ii) *The POC.* The commandant, AFROTC, may authorize compression of the POC in exceptional cases for cadets who, during portions of the 2 years' instruction, are absent from campus because of institutional—State Department, industry, or other cooperative programs. A cadet must have 2 academic years remaining at an institution to be eligible for membership in advanced training. The times spent in other programs for which portions of the POC have been waived may be credited towards meeting the two academic requirements. An applicant who has 2 years remaining when he is admitted as a conditional member or a pursuing student meets this requirement if his condition is removed within the time periods outlined in § 870.2 (i) and (y). Periods of extension authorized by the Commander, AU, also meet the requirement.

* * * * *

§ 870.12 Investigation requirements.

(a) *National Agency Check (NAC).* A member of the FAP or POC may not be appointed as a commissioned officer until an NAC has been completed and a favorable decision rendered (see AFRs 205-6 (Personnel Investigations, Security Clearances and Access Authorizations) and 35-62 (Security Program)). Results should be available during the first term, quarter, or semester following acceptance in the FAP or POC.

(b) *Background Investigation (BI).* A BI must be completed and a favorable decision rendered on any applicant for membership, conditional membership, or enrollment in the POC, or for membership in the FAP, who has:

(1) Traveled or resided in one or more communist or communist-oriented countries listed in AFR 205-6, for more than 30 continuous days, not under the auspices of the U.S. Government.

(2) A spouse, parent, brother, sister, or offspring currently residing in any country listed in AFR 205-6.

(3) Made entries on DD Form 98, "Armed Forces Security Questionnaire," indicating that enlistment may not be clearly consistent with the interest of national security.

§ 870.20 [Amended]

Rule 4, Column A. Replace conditions entry with "4 years of junior level ROTC (high school) at a military school or academy."

(Sec. 8012, 70A Stat. 488; 78 Stat. 1064; 10 U.S.C. 8012, 2101 et seq., and 50 U.S.C. App 456(a))
(AFR 45-48, Change 2, Dec. 18, 1967)

2. Sections 873.2, 873.3, 873.4, 873.5, 873.6, and 873.7 are revised to read as follows:

§ 873.2 Objectives.

The program objectives are to:

(a) Provide a screening device which will identify pilot training applicants who meet the basic aptitude/attitude requirements for Air Force pilot training.

(b) Motivate qualified Air Force ROTC members toward a career in the Air Force.

(c) Encourage qualified General Military Course (GMC) Air Force ROTC cadets to enroll in the Professional Officer Course (POC) as pilot training applicants.

§ 873.3 Program curriculum.

Participating schools offer FIP as an integral part of their Air Force ROTC program. The Commandant, Air Force ROTC, establishes the curriculum to:

(a) Encompass a course of flight instruction in light, land aircraft having a minimum of 65 horsepower and a separate and independent three-control system, i.e., rudder, elevator, and aileron controls.

(b) Meet minimum Federal Aviation Administration (FAA) requirements for an FAA Private Pilot Certificate. (Acquisition of a Private Pilot Certificate, although desirable, is not to be considered as a prerequisite for successful completion of the FIP.)

§ 873.4 Operational supervision of the program.

The Air Force and the FAA have agreed that the FAA carry out the operational administration of the program providing:

(a) A list of eligible flight schools in each area to be served, as required by the Air Force. These schools will keep in effect a flying school certificate with a private pilot rating.

(b) Pertinent instructions to flight schools on flight curriculum to use and standards to maintain.

(c) Operational inspection of flight schools, instructors, and aircraft at least every 60 days to insure adherence to all prescribed standards.

(d) The following flight checks to determine the student's progress and insure quality of instruction:

(1) Periodic checks on 20 percent of all FIP students at all participating schools.

(2) Final flight checks for all FIP students who are certified by the flight school as being qualified for FAA Private Pilot Certificate flight checks.

(e) The appropriate Professor of Aerospace Studies (PAS) with a performance evaluation report on each FIP student flight checked by FAA personnel.

(f) Necessary advice to and liaison with the appropriate HQ USAF staff office.

§ 873.5 Participation.

(a) Selected Air Force ROTC cadets, who are members of the POC and in category 1-P (specific categorization of cadets who qualify for pilot training), must participate unless:

(1) The school does not provide an FIP.

(2) They have completed a similar course of instruction and possess a Private Pilot Certificate or higher FAA rating. In such cases, participation in FIP is not permitted.

(3) A waiver is granted under the provisions of § 873.6.

(b) Cadets successfully completing the program continue in category 1–P.

(c) Cadets in categories 1–N, II, and III will not participate in the FIP program.

§ 873.6 Waiver and elimination authority.

The Commandant, Air Force ROTC, grants waivers of participation and makes final determination concerning elimination of cadets. He may redelegate this authority to the PAS.

(a) *Waiver of participation.* Normally, the Air Force does not grant waivers of FIP participation requirements for cadets listed in § 873.5(a). However, waivers may be granted when participation would place an extreme or unusual hardship on cadets.

(b) *Elimination.* This regulation explains how to recategorize a cadet eliminated from the FIP, but retained in the Air Force ROTC program. However, a cadet eliminated under subparagraph (2) of this paragraph normally is disenrolled from the Air Force ROTC program. A cadet may be eliminated for any of the following reasons:

(1) General pilot inaptitude, and failure to:

(i) Pass periodic progress, special, or final flight checks.

(ii) Make satisfactory progress in academic subjects associated with the FIP.

(2) Willful violation of flying regulations or other acts which evidence indifference to or improper attitude toward training.

(3) At his own request.

(4) Medical disqualification for category 1–P after enrolling in FIP.

(c) *Reclassification.* Cadets eliminated from the FIP for reasons expressed in paragraph (b) of this section will not be continued in category 1–P and will not be reclassified category 1–N (specific categorization of cadets who qualify for navigator training).

§ 873.7 Disability and death benefits under Federal Employees' Compensation Act.

Regulations governing administration of the Federal Employees' Compensation Act, September 7, 1916, as amended, for civil officers of the United States and others, provide disability and death benefits to program participants, computed at the monthly wage of $150 (5 U.S.C. 8140). If a member of the Air Force ROTC is injured or dies from an injury incurred in line-of-duty while engaged in flight instruction, he or his survivors are entitled to the same benefits provided for a civil employee of the United States, including certain burial benefits.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)
(AFR 45–58, Dec. 18, 1967)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 68–12157; Filed, Oct. 4, 1968; 8:47 a.m.]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 907—DELAYED ENLISTMENT

Enlistment Criteria; Statement of Understanding

Subchapter K of Chapter VII of Title 32 of the Code of Federal Regulations is amended to read as follows.

1. Sections 907.3 and 907.7 are revised to read as follows.

§ 907.3 Enlistment criteria.

Applicants must meet all the qualifications for Regular Air Force enlistment outlined in Part 888 of this chapter except that high school students must be within 120 days of graduation. Applicants for Medically Remedial Enlistment Program (MREP) and Air Force bands are ineligible. Applicants who received official notification from the Air Force of their selection for Officer Training School (OTS) may enlist if qualified under Part 888 of this chapter.

§ 907.7 Statement of understanding.

Before enlistment each applicant submits a written AF Form 941 (Statement of Understanding—see Attachment 1 to AFR 33–5) to the Recruiting Office. The date established for enlistment in the Regular Air Force may be any date within 119 days after enlistment in the Air Force Reserves.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted)
(AFR 33–5, Nov. 17, 1967, and Change 1, Mar. 18, 1968)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 68–12158; Filed, Oct. 4, 1968; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68–246]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Cotton Fabrics; Additional Information on the Contents of Invoices

SEPTEMBER 19, 1968.

Section 8.13(h), Customs Regulations, requires the furnishing of certain additional information on the special customs or commercial invoices for various classes of merchandise. For one such class, "cotton fabrics" classified under various items of the Tariff Schedules of the United States, 18 specific additional items of information are required to be furnished. It has been found that items Nos. (12), (14), (16), and (17), which require the importer to furnish the length of staple of the cotton in the warp and in the filling and the net weight per square yard of the cotton contained in a shipment having a staple more or less than 1⅛ inches in length, are no longer needed.

Section 8.13(h) is accordingly amended as follows: The additional information requirements for "cotton fabrics * * * (T.D. 49803, 55977)" is amended by deleting:

(12) Length of staple of the cotton in the warp;

(14) Length of the staple of the cotton in the filling;

(16) Net weight per square yard of the cotton contained therein having a staple 1⅛ inches or more in length;

(17) Net weight per square yard of the cotton, contained therein having a staple less than 1⅛ inches in length;

and by renumbering the remaining additional information requirements as necessary so that the numbers will run consecutively from (11) to (14).

(R.S. 251, secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 66, 1481, 1624)

This amendment deletes a requirement which is no longer needed for customs purposes. Notice and public procedure under 5 U.S.C. 553 is, therefore, considered unnecessary and since the amendment relieves a restriction, it shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: September 24, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of Treasury.

[F.R. Doc. 68–12152; Filed, Oct. 4, 1968; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Office and Household Furniture and Furnishings

This amendment clarifies the use of GSA supply depots or Federal Supply Schedules for procurement of office and household furniture and furnishings. Descriptions of office and household furniture and furnishings establish the nature and use of such items obtainable from GSA supply sources. Procedure is set forth for requesting waivers for procuring from other than GSA supply sources items of office and household furniture and furnishings similar to those obtainable from GSA supply depots or Federal Supply Schedules.

The table of contents for Part 101–26 is amended by the addition of the following entries:

Subpart 101–26.5—GSA Procurement Programs

Subpart 101–26.5 is amended as follows:

§ 101–26.505 Office and household furniture and furnishings.

Requirements for new office and household furniture and furnishings as described in this § 101–26.505 shall be obtained from GSA stock or Federal Supply Schedule contracts to the extent that agencies are required to use such sources. Requirements for items not obtainable from these sources may be procured by any Federal agency through GSA special buying services upon agency request pursuant to the provisions of § 101–26.102. Prior to initiation of procurement action for new items, items on hand should be redistributed, repaired, or rehabilitated, as feasible.

§ 101–26.505–1 Description of office and household furniture.

(a) Office furniture is equipment normally associated with occupancy or use in such areas as offices, conference and reception rooms, institutional waiting rooms, lobbies, and libraries. Such equipment includes desks, tables, credenzas, bookcases, coatracks, telephone cabinets, filing sections and cabinets, office safes, security cabinets, chairs, and davenports.

(b) Household furniture is equipment normally associated with occupancy or use in areas such as housekeeping and nonhousekeeping quarters, reception rooms, and lobbies. Such equipment includes davenports, chairs, tables, buffets, china cabinets, beds, wardrobes, and chests.

§ 101–26.505–2 Description of office and household furnishings.

(a) Office furnishings are articles which supplement office furniture and augment the utility of the space assigned. These articles include lamps, desk trays, smoking stands, waste receptacles, carpets, and rugs.

(b) Household furnishings are articles which supplement household furniture and add to the comfort or utility of the space assigned. Such articles include lamps, mirrors, carpets, rugs, and plastic shower and window curtains.

§ 101–26.505–3 Requests to procure similar items from sources other than GSA supply sources.

Where an agency determines that office and household furniture and furnishings obtainable from GSA supply depots or Federal Supply Schedule contracts, when required to use these sources, will not serve the required functional end use, requests to procure similar items from other than GSA sources shall be submitted to the Commissioner, Federal Supply Service, as prescribed in §§ 101–26.301–1 and 101–26.401–3, respectively.

§ 101–26.505–4 [Reserved]

§ 101–26.505–5 [Reserved]

§ 101–26.505–6 [Reserved]

§ 101–26.505–7 GSA assistance in selection of furniture and furnishings.

The Federal Supply Service, Buying Division, in each GSA regional office except Region 9 (Procurement Division in Region 9), will, upon request, furnish agencies with complete information on the types, styles, finishes, coverings, and colors of office and household furniture and furnishings available from or through the GSA purchase program. See also § 101–26.506.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: September 30, 1968.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 68–12122; Filed, Oct. 4, 1968; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4534]

[Sacramento 188]

CALIFORNIA

Withdrawal in Aid of Legislation

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 398d), it is ordered as follows:

Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby temporarily withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws, in aid of legislation to add the lands to the XL Ranch Indian Reservation:

MOUNT DIABLO MERIDIAN

T. 42 N., R. 13 E.,
Sec. 3, lot 4 and S½NW¼.
T. 43 N., R. 13 E.,
Sec. 1, N½NE¼ (lots 1 and 2);
Sec. 22, SE¼SE¼;
Sec. 25, SE¼NW¼;
Sec. 26, SW¼SE¼;
Sec. 27, SE¼NW¼
Sec. 28, NE¼SW¼;
Sec. 32, SE¼SE¼;
Sec. 34, SE¼NW¼.

The areas described aggregate approximately 481.66 acres in Modoc County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 1, 1968.

[F.R. Doc. 68–12129; Filed, Oct. 4, 1968; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1008]

PART 1033—CAR SERVICE

Illinois Terminal Railroad Co. Authorized To Operate Over Tracks of Illinois Central Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 1st day of October 1968

It appearing, that because the condition of track and roadbed between Mont, Ill., and Springfield, Ill., on the Illinois Terminal Railroad Co. prevents the safe handling of traffic between those points by the Illinois Terminal Railroad Co.; that operation by the Illinois Terminal Railroad Co. over tracks of the Illinois Central Railroad Co. between Mont, Ill., and Springfield, Ill., a distance of approximately 82 miles, will enable the Illinois Terminal Railroad Co. to handle this traffic; that the Commission is of the opinion that operation by the Illinois Terminal Railroad Co. over tracks of the Illinois Central Railroad Co. between Mont, Ill., and Springfield, Ill., is necessary to enable the Illinois Terminal Railroad Co. to handle this traffic in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1008 Service Order No. 1033.-1008.

(a) *Illinois Terminal Railroad Co. authorized to operate over tracks of Illinois Central Railroad Co.* The Illinois Terminal Railroad Co. be, and it is hereby authorized to operate over tracks of the Illinois Central Railroad Co. between Mont, Ill., and Springfield, Ill., a distance of approximately 82 miles.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Illinois Terminal Railroad Co. over tracks of the Illinois Central Railroad Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Illinois Terminal Railroad Co. over tracks of the Illinois Central Railroad Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(e) *Effective date.* This order shall become effective at 12:01 a.m., October 3, 1968.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12146; Filed, Oct. 4, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain National Wildlife Refuges in California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. This regulation applies to migratory bird hunting on portions of certain National Wildlife Refuges in California.

General conditions. Hunting shall be in accordance with applicable State regulations except for the special conditions indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map and/or included herein. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Ducks, geese, coots, and gallinules may be hunted on the following refuges:

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134.

Special conditions. (1) A 100-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of airthrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) A 100-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of airthrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) Boats with or without motors are permitted. Sculling and airthrust boats are prohibited.

(2) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1968.

HENRY BAETKEY, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

SEPTEMBER 25, 1968.

[F.R. Doc. 68–12159; Filed, Oct. 4, 1968; 8:47 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Florida et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Fla., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 18,636 acres, are delineated on a map available at the refuge headquarters, Titusville, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots

subject to the following special conditions:

1. *Seasons*—(a) *Hunting Area No. 1.* Wednesday through Sunday until noon, entire Florida season.

(b) *Hunting Area No. 2.* Subject to security requirements set by the Director, Kennedy Space Center. Security permitting, hunting will be allowed until noon, Wesdnesday through Sunday for the entire Florida season.

2. A refuge permit is required on both hunts.

3. The use of air-thrust boats is prohibited.

4. Hunters are required to enter and leave the hunting area by way of check station located on State Highway 402. All waterfowl bagged must be presented for inspection at the check station before hunters leave the refuge.

5. *Area No. 1.* (a) Hunters will be permitted to hunt only from designated blinds furnished and located by the Bureau. Shooting is not permitted outside a blind.

(b) Guns must be unloaded while being transported on the refuge and while being carried to and from the blinds. Guns must be left in the blind while dead or crippled birds are being retrieved.

(c) Participants in the hunt are required to furnish either a retriever or a boat for retrieving birds which fall across or in deep water.

6. *Area No. 2.* (a) Guns must be unloaded and cased while being transported on the refuge and outside the prescribed hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1969.

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

1. Hunting will be permitted only on Wednesdays through Sundays.

2. Only temporary blinds constructed of native vegetation are permitted.

3. Designated routes of travel must be used for entering or leaving the public hunting area.

4. A Federal permit is required for the use of airboats in the refuge area. All airboats must be equipped with exhaust mufflers.

5. All guns must be unloaded and cased while hunters are traveling to and from the hunting area.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 31, 1969.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Loxahatchee National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Delray Beach, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

1. Only temporary blinds constructed of native vegetation are permitted.

2. Hunters must enter and leave the refuge by either the S–39 landing or the headquarters landing and must use the following designated routes of travel to and from the hunting area: Those portions of Canal 40 and Canal 39 (Hillsboro Canal) immediately east and south of the hunting area; also the refuge marsh areas near the headquarters landing and the S–39 landing lying between the hunting area and portions of canals described above. No hunting is permitted in or over these designated routes of travel.

3. While using designated routes of travel to and from the hunting area, hunters must have their shotguns unloaded and dismantled or cased.

4. Air-thrust boats may be authorized for use only by special permit issued by the refuge manager.

5. All public use within the refuge is liimted to the period each day from 1 hour before sunrise to 1 hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through Janaury 14, 1969.

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Savannah National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area comprising 3,600 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to following special conditions:

1. Hunting will be permitted only on Thursdays, Fridays, and Saturdays, with hunting ceasing at 2 p.m. each hunt day.

2. Hunting will not be permitted in or on Front River, Middle River, Steamboat River, and Back River, nor closer than 50 yards to the shoreline of these rivers.

3. Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

4. Guns must be unloaded while being carried to and from the hunting area.

5. Only temporary blinds constructed of native materials are permitted.

6. A refuge hunting permit is required. All hunters must check out at the check station after completing their hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1969.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks and coots on the Santee National Wildlife Refuge, Pinopolis Unit, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 29,500 acres, is delineated on a map available at refuge headquarters, Summerton, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, and coots subject to the following special conditions:

1. Hunting will be permitted only on Tuesdays, Thursdays, and Saturdays during the period from December 7, 1968, through January 15, 1969.

2. Shooting hours are from one-half hour before sunrise to 12 o'clock noon. Hunters may not enter the refuge hunting area prior to 1½ hour before sunrise and must be out of the Hunting Area by 1 p.m.

3. Only temporary blinds constructed of native vegetation are permitted. Any blind constructed by a hunter on the hunting area, once vacated, may be occupied by any other hunter on a first come, first served basis.

4. Boats are not to be left in Pinopolis Pool (Hatchery) overnight.

5. Boat motors of any type, inboard, outboard, gasoline, diesel, or electric are not allowed in the Pinopolis Pool (Hatchery).

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife Refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 15, 1969.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

In F.R. Doc. 68–10597, appearing on page 12373 of the issue for Wednesday, September 4, 1968, subparagraph (3) of special conditions, migratory game birds, should read as follows:

(3) Hunting is permitted Wednesday through Saturday during the period November 13, 1968, through January 11, 1969, except December 25, with hunting ceasing at noon each day.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1969.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, McClellanville, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,000 acres, is delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels and raccoons except the following special conditions:

1. Squirrels and raccoons may be taken during the following open periods: December 2–7; December 16–21 during daylight hours only.

2. Bow and arrows permitted. Firearms, crossbows, or any type mechanical bow prohibited. Drugged or poison arrows prohibited.

3. Dogs are prohibited.

4. Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

5. Hunters under 18 must be accompanied by an adult.

6. Camping is permitted from December 1–8 and December 15–22, in designated camping areas only. All fires must be confined to the camping area.

7. Permits are required and may be obtained at the refuge office on Bulls Island.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective to December 21, 1968.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Catahoula National Wildlife Refuge is permitted on the timbered portion of the refuge. This area, containing approximately 4,700 acres is designated by signs as open to hunting. Hunting shall be in accordance with all applicable State regulations governing squirrel hunting except that the season extends from October 5 through 18, 1968.

The provisions of this special regulation supplement the regulations which govern the hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1968.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of deer, bear and wild hog on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer, bear, and wild hog.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 5, 1969.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Bulls Island unit of the Cape Romain National Wildlife Refuge, McClellanville, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,000 acres, is delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer except the following special conditions:

1. White-tail deer of either sex may be taken during the following open periods: December 2–7; December 16–21, during daylight hours only.

2. Bows with minimum recognized pull of 45 pounds and arrows with minimum blade width of seven-eighths (⅞″) inch will be required for deer. Firearms, crossbows, or any type of mechanical bow prohibited. Drugged or poison arrows prohibited.

3. Dogs are prohibited.

4. Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

5. Hunters under 18 must be accompanied by an adult.

6. Camping is permitted from December 1 to 8, and from December 15 to 22, 1968, in the designated camping areas only. All fires must be confined to that area.

7. Permits are required and may be obtained at the refuge office on Bulls Island.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 21, 1968.

C. EDWARD CARLSON,
Regional Director Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 27, 1968.

[F.R. Doc. 68–12125; Filed, Oct. 4, 1968; 8:45 a.m.]

PART 32—HUNTING

Bosque del Apache National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The public hunting of quail and rabbits on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from November 30, 1968, through January 5, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 27,200 acres, includes all refuge lands east of the Bureau of Reclamation Channelization Project, and is delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of quail and rabbits subject to the following conditions:

(1) Hunting with rifles and handguns is prohibited.

(2) Access to the area is from the refuge Headquarters entrance road; from Highway 380 via the Bureau of Reclamation east channel road; and from all other established entrances on the north, east, and south boundaries of the refuge. Vehicles are permitted only on established roads.

(3) No more than two dogs may be used by a hunter.

(4) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through January 5, 1969.

RICHARD W. RIGBY,
Refuge Manager, Bosque del Apache National Wildlife Refuge, San Antonio, N. Mex.

SEPTEMBER 30, 1968.

[F.R. Doc. 68-12126; Filed, Oct. 4, 1968; 8:45 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Oregon

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on National Wildlife Refuges in Oregon.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps—special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Ring-necked pheasants and California quail may be hunted on the following refuges:

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters at McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323).

Special conditions. Open to taking of chukar and Hungarian partridge.

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters at McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323).

Special conditions. Open to taking of chukar and Hungarian partridge.

Ankeny National Wildlife Refuge, Jefferson, Oreg. 97330 (Headquarters: William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330).

Special conditions. (1) Hunting will be permitted from October 19 through November 7, 1968.

(2) Hunters must check into the hunting area by completing Part A of the Hunter Permit-Questionnaire form and inserting this in a box provided at one of the designated self-service registration stations located on the refuge. They must check out at the conclusion of their hunt, each day, by completing Part B of the form and inserting it in the box. Part B of the form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

(3) Hunters on the area served by the check stand will be limited to 100 at any one time.

Baskett Slough National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions. (1) Hunting will be permitted from October 19 through November 7, 1968.

(2) Hunters must check into the hunting area by completing Part A of the Hunter Permit-Questionnaire form and inserting this in a box provided at one of the designated self-service registration stations located on the refuge. They must check out at the conclusion of their hunt, each day, by completing Part B of the form and inserting it in the box. Part B of the form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions. (1) Hunting will be permitted from October 19 through November 10, 1968.

(2) Hunters must check into the hunting area by completing Part A of the Hunter Permit-Questionnaire form and inserting this in a box provided at one of the designated self-service registration stations located on the refuge. They must check out at the conclusion of their hunt, each day, by completing Part B of the form and inserting it in the box. Part B of the form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

(3) Hunters on the areas served by each of the two check stands will be limited to 100 at any one time.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Oreg. 97720.

Special conditions. (1) Open to taking of partridge.

(2) Hunting will be permitted Saturdays, Sundays, and Mondays during the period October 19 through November 4, 1968.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1968.

[F.R. Doc. 68-12160; Filed, Oct. 4, 1968; 8:47 a.m.]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Ouray National Wildlife Refuge, Utah, is permitted from November 2 through November 17, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1968.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

SEPTEMBER 26, 1968.

[F.R. Doc. 68-12127; Filed, Oct. 4, 1968; 8:45 a.m.]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Pathfinder National Wildlife Refuge, Wyo., is permitted on the entire refuge from October 15 through October 25, 1968, inclusive, in State Area No. 14A. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters, Laramie, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 25, 1968.

VERA M. COLLINS,
Acting Refuge Manager, Pathfinder National Wildlife Refuge, Laramie, Wyo.

SEPTEMBER 19, 1968.

[F.R. Doc. 68-12128; Filed, Oct. 4, 1968; 8:45 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

PART 255—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 109, New Pneumatic Tires; Passenger Cars, and No. 110, Tire Selection and Rims; Passenger Cars

On September 11, 1968, the Federal Highway Administration published in the FEDERAL REGISTER amendments to Standards Nos. 109 and 110 (33 F.R. 12842). Omitted from publication as part of Appendix A of Standard No. 109 were Tables 1–A through 1–J. For the convenience of persons using the tables the preamble to the amendments published September 11, 1968, and the text of the amendments, as corrected by the addition of the omitted tables are published below. Additionally, Appendix A of Standard No. 110 has been changed to specify the information that should be submitted with requests for the addition of alternative rim sizes.

Federal Motor Vehicle Safety Standard No. 109 (32 F.R. 15792), as amended (32 F.R. 17938 and 33 F.R. 5944), specifies tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance and high speed performance; defines tire load ratings; and specifies labeling requirements for new pneumatic tires for use on passenger cars manufactured after 1948. Motor Vehicle Safety Standard No. 110 (32 F.R. 15798) as amended (33 F.R. 5949) specifies tire selection and rim requirements to prevent tire overloading.

Tables 1–A through 1–J of Standard No. 109 list various tire types and sizes with proper load and inflation values.

Standard No. 109 is being amended to designate Tables 1–A through 1–J as Appendix A of Standard No. 109.

In addition, Table 1–H is being amended by adding additional tire size designations.

Table I of Standard No. 110 is a list of alternative rims for tire and rim combinations that are not contained in any reference in S3 of Standard No. 109.

Standard No. 110 is being amended to designate Table I as Appendix A of Standard No. 110.

In addition, the table is being amended by adding, as alternative rims for tire size 8.55 x 15, rim sizes 5½–JK, 5½–JJ and 5½–J; F70–14, rim size 7JJ; and G70–14, rim size 7JJ.

Additionally, guidelines by which persons requesting routine additions to Appendix A of Standard No. 109 and Appendix A of Standard No. 110, are set forth as introductory language to both appendices. The guidelines provide an abbreviated rule making procedure for adding tire sizes to Standard No. 109, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no comments are received. If comments objecting to the amendment warrant, the Administration will provide for additional rule making pursuant to the Rule Making Procedures for Motor Vehicles Safety Standards (23 CFR 216).

Since these amendments provide an alternative means of compliance, relieve restrictions, and impose no additional burdens on any person, notice and public procedure hereon are unnecessary and the Administrator finds, for good cause shown, that no preparatory period is needed to effect compliance and it is in the public interest to make the amendments effective immediately.

In consideration of the foregoing, section 255.21 of Part 255, Federal Motor Vehicle Safety Standards, Standard No. 109 (32 F.R. 15792), as amended (32 F.R. 17938 and 33 F.R. 5944), and Standard No. 110 (32 F.R. 15798), as amended (33 F.R. 5949), are amended effective this date as set forth below.

(Secs. 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966; 15 U.S.C. 1392, 1407, and the delegation from the Secretary of Transportation, Part I of the Regulations of the Office of the Secretary, 49 CFR § 1.4(c))

Issued in Washington, D.C., on September 27, 1968.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 109, NEW PNEUMATIC TIRES—PASSENGER CARS

Tables I–A through I–J of Standard No. 109, as amended (33 F.R. 5946–5949) are deleted and in their places the following is inserted:

Appendix A—Federal Motor Vehicle Safety Standard No. 109.

The following tables list tire sizes and tire constructions with proper load and inflation values. The tables group tires of related constructions and load/inflation values. Persons requesting the addition of new tire sizes to the tables or the addition of tables for new tire constructions may, when the additions requested are compatible with existent groupings, or when adequate justification for new tables exists, submit five (5) copies of information and data supporting the request to the Secretary of Transportation, Attention: Motor Vehicle Safety Performance Service, National Highway Safety Bureau, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591.

The information should contain but not be limited to the following:

1. The tire size designation and whether the tire is an addition to a category of tires listed in the tables, or a new category for which a table has not been developed.

2. The tire dimensions, including aspect ratio, size factor, section width, overall width and test rim size.

3. The load—inflation schedule of the tire.

4. A statement as to whether the tire size designation and load inflation schedule has been coordinated with an organization such as The Tire and Rim Association, The European Tire and Rim Technical Organization, The Society of Manufacturers and Traders Limited and the Japan Automobile Tire Manufacturers Association, whose purpose is to standardize tire and rim sizes.

5. Copies of test data sheets showing test conditions, results and conclusions obtained for individual tests specified in FMVSS No. 109.

6. Justification for the additional tire sizes.

The addition of new size tires to the tables, or the addition of tables for new tire construction, is accomplished through an abbreviated procedure consisting of the publication in the FEDERAL REGISTER of the petitioned tire sizes or tables. If no comments are received, the amendment becomes effective after 30 days from the date of publication. If comments objecting to amendment are received, additional rule making pursuant to Part 216 of the Procedural Rules for Motor Vehicle Safety Standards will be considered.

Amendments to Appendix A of Standard No. 109 may be issued by the Director of the Motor Vehicle Safety Performance Service, National Highway Safety Bureau.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-A

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
6.00-13			770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4	29.37	6.00
6.50-13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.75	6.60
7.00-13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.88	7.10
6.00-14			840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240	4	30.64	6.10
6.45-14			860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4½	30.92	6.60
6.50-14			930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370	4½	31.75	6.60
6.95-14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.96	7.00
7.00-14			1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,520	5	32.88	7.10
7.35-14			1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.92	7.30
7.50-14			1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.19	7.65
7.75-14			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	34.09	7.75
8.00-14			1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.17	8.10
8.25-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.11	8.20
8.50-14			1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960	6	35.91	8.35
8.55-14			1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.06	8.50
8.85-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.82	8.95
9.00-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.91	8.80
9.50-14			1,540	1,640	1,700	1,780	1,850	1,930	2,000	2,060	2,130	2,200	2,260	6½	37.74	9.05
6.00-15			890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4	31.64	6.10
6.50-15			980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440	4½	32.75	6.60
6.70-15			1,110	1,190	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,590	1,640	4½	33.95	7.00
6.85-15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.48	6.90
7.00-15	1,170	1,240	1,310	1,380	1,450	1,515	1,580	1,640	1,700	1,760	1,820	1,870	1,930	5	36.02	7.35
7.10-15			1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,660	1,710	1,760	5	34.89	7.40
7.35-15			1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5½	33.86	7.50
7.60-15			1,310	1,400	1,450	1,520	1,580	1,640	1,710	1,760	1,820	1,880	1,930	5½	36.05	7.90
7.75-15			1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5½	34.53	7.65
8.00-15			1,380	1,470	1,530	1,600	1,670	1,730	1,800	1,860	1,920	1,980	2,040	6	36.84	8.30
8.15-15			1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.50	8.15
8.20-15			1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170	6	37.50	8.50
8.25-15	1,030	1,190	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	37.57	8.20
8.45-15			1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.37	8.35
8.55-15	1,220	1,290	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.57	8.45
8.85-15			1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.29	8.80
8.90-15			1,700	1,810	1,880	1,970	2,050	2,130	2,210	2,290	2,360	2,430	2,500	6½	39.54	9.30
9.00-15			1,460	1,540	1,620	1,690	1,760	1,830	1,900	1,970	2,030	2,090	2,150	6	37.45	8.50
9.15-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6½	37.92	9.05
6.00-16			1,075	1,135	1,195	1,250	1,300	1,350	1,400	1,450	1,500			4	34.17	6.25
6.50-16	1,090	1,150	1,215	1,280	1,345	1,405	1,465	1,525	1,580	1,635	1,690	1,740	1,790	4½	35.59	6.80
6.70-16		1,185	1,240	1,300	1,355	1,410	1,465	1,525	1,580	1,635	1,690	1,740	1,795	4½	35.60	7.40
7.00-16			1,365	1,440	1,515	1,585	1,650	1,715	1,780	1,840	1,900			5	37.02	7.35
7.50-16			1,565	1,650	1,735	1,810	1,890	1,960	2,035	2,105	2,175			5½	38.78	8.00
6.50-17		1,215	1,275	1,330	1,390	1,450	1,500	1,560	1,620	1,680	1,740	1,795	1,850	5	37.00	7.60

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-B

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
D70-13	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.32	8.00
D70-14			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.87	7.85
E70-14			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.45	8.05
F70-14			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.18	8.30
G70-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.14	8.75
H70-14			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.19	9.10
J70-14			1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.91	9.50
L70-14			1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.59	9.80
D70-15			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.34	7.75
E70-15			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	34.17	8.10
F70-15			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.91	8.35
G-70-15			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.68	8.60
H70-15			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.68	8.95
J70-15			1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.34	9.35
K70-15			1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6½	37.62	9.40
L70-15			1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.09	9.60

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I–C

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
"Super Balloon" sizes:																
5.20–10	350	395	440	485	530	555	575	605	625	650	670	695	715	3½	24.84	5.20
5.90–10	385	430	475	515	550	580	605	630	650	675	700	----	----	4	24.00	5.80
5.20–12	395	445	495	545	595	625	655	685	710	735	760	785	810	3½	26.79	5.20
5.60–12	460	520	575	620	670	715	760	795	825	855	885	915	940	4	27.83	5.71
5.90–12	460	505	550	595	640	665	700	730	755	785	810	----	----	4	26.00	5.90
6.20–12	505	555	605	655	705	735	775	805	835	865	895	----	----	4½	27.00	6.30
5.20–13	430	485	540	590	640	670	710	740	765	795	820	850	875	3½	27.72	5.20
5.60–13	495	560	620	675	725	770	810	850	880	910	945	975	1,005	4	28.92	5.71
5.90–13	555	625	695	755	815	860	895	935	970	1,005	1,040	1,075	1,105	4	29.74	5.91
6.20–13	520	580	640	700	750	780	820	850	880	910	945	----	----	4½	28.00	6.30
6.40–13	630	705	785	845	915	945	985	1,025	1,060	1,100	1,140	1,175	1,210	4½	31.26	6.42
6.70–13	690	775	860	935	1,000	1,045	1,090	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	6.69
6.90–13	695	745	795	845	915	955	1,005	1,045	1,085	1,120	1,160	----	----	5	30.00	7.20
5.20–14	475	535	595	645	695	735	785	825	855	885	915	945	975	3½	28.89	5.20
5.60–14	530	595	660	715	770	815	855	890	920	955	990	1,020	1,050	4	29.94	5.71
5.90–14	585	660	730	785	850	880	925	970	1,005	1,040	1,080	1,115	1,145	4	30.76	5.91
6.40–14	660	745	825	890	960	1,000	1,050	1,090	1,130	1,170	1,210	1,250	1,290	4½	32.19	6.42
6.45–14	----	----	860	910	960	1,000	1,040	1,080	1,120	----	----	----	----	4½	30.92	6.60
5.20–15	505	570	630	685	740	780	830	870	900	935	965	1,000	1,030	3½	29.75	5.20
5.60–15	555	625	695	755	815	860	895	935	970	1,005	1,040	1,075	1,105	4	30.87	5.71
5.90–15	615	695	770	825	890	935	980	1,015	1,050	1,090	1,130	1,165	1,200	4	31.77	5.91
6.40–15	----	----	875	950	1,010	1,055	1,100	1,150	1,190	1,230	1,260	----	----	4½	33.20	6.42
"Low Section" sizes:																
5.00–12	370	420	465	505	540	565	580	605	625	650	670	695	715	3½	25.62	5.04
5.50–12	415	470	520	560	605	635	665	695	720	745	770	800	820	4	26.93	5.59
6.00–12	485	545	605	655	705	735	785	815	845	875	905	935	965	4½	28.33	6.14
5.00–13	410	460	510	545	585	610	635	660	685	710	735	755	780	3½	26.64	5.04
5.50–13	445	495	550	595	640	670	710	740	765	795	820	850	875	4	27.95	5.59
7.25–13	730	825	915	990	1,070	1,110	1,160	1,200	1,245	1,290	1,335	1,380	1,420	5	32.51	7.24
7.50–13	775	875	970	1,040	1,120	1,180	1,225	1,270	1,315	1,365	1,410	1,460	1,500	5½	33.22	7.48
5.50–15L	505	570	630	675	725	760	800	840	870	900	935	965	995	4	29.97	5.59
6.00–15L	595	665	740	800	860	890	930	970	1,005	1,040	1,080	1,115	1,145	4½	31.29	6.14
6.50–15L	675	755	840	900	970	1,010	1,060	1,105	1,145	1,185	1,230	1,270	1,305	4½	32.68	6.54
7.00–15L	760	855	950	1,025	1,100	1,145	1,190	1,235	1,280	1,325	1,375	1,420	1,460	5	33.85	7.01
"Super Low Section" sizes:																
145–10/5.95–10	380	430	475	515	550	580	605	630	650	675	700	725	745	4	24.76	5.79
125–12/5.35–12	335	380	420	450	485	510	535	550	570	590	610	630	650	3½	24.68	5.00
135–12/5.65–12	370	420	465	505	540	570	590	620	640	665	690	710	730	4	25.53	5.39
145–12/5.95–12	440	495	550	595	640	665	700	730	755	785	810	840	865	4	26.69	5.79
155–12/6.15–12	485	545	605	655	705	735	775	805	835	865	895	925	950	4½	27.36	6.18
135–13/5.65–13	415	470	520	555	595	625	655	685	710	735	760	785	810	4	26.53	5.39
145–13/5.95–13	470	525	585	620	670	705	745	770	800	825	855	885	910	4	27.61	5.79
155–13/6.15–13	515	575	640	700	750	780	820	850	880	910	945	975	1,005	4½	28.44	6.18
165–13/6.45–13	575	645	715	770	825	865	905	935	970	1,005	1,040	1,075	1,105	4½	29.52	6.57
175–13/6.95–13	635	715	795	845	915	955	1,005	1,045	1,085	1,120	1,160	1,200	1,235	5	30.34	7.01
185–13/7.35–13	695	785	870	945	1,010	1,060	1,115	1,160	1,205	1,245	1,290	1,335	1,370	5½	31.41	7.40
135–14/5.65–14	440	495	550	595	640	665	700	730	755	785	810	840	865	4	27.54	5.59
145–14/5.95–14	495	560	620	665	715	750	785	815	845	875	905	935	965	4	28.54	5.79
155–14/6.15–14	540	610	675	730	780	825	860	895	925	960	995	1,030	1,060	4½	29.45	6.18
125–15/5.35–15	395	445	495	535	570	600	625	650	675	700	720	745	770	3½	27.69	5.00
135–15/5.65–15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.39
145–15/5.95–15	520	585	650	710	760	790	830	860	890	925	955	985	1,015	4	29.54	5.79
155–15/6.35–15	585	660	730	780	835	875	915	950	985	1,020	1,055	1,090	1,125	4½	30.45	6.18
175–15/7.15–15	705	795	880	955	1,020	1,070	1,125	1,170	1,215	1,255	1,300	1,345	1,385	5	32.42	7.01
165–14	650	715	770	815	880	925	970	1,000	1,035	1,080	1,115	1,145	1,170	4½	31.22	6.57
175–14	715	780	850	915	980	1,025	1,070	1,115	1,160	1,200	1,235	1,270	1,310	5	32.13	7.01
185–14	805	870	940	1,000	1,080	1,135	1,190	1,235	1,290	1,325	1,370	1,400	1,435	5½	33.15	7.40
195–14	860	950	1,025	1,105	1,180	1,235	1,290	1,345	1,400	1,445	1,490	1,535	1,580	5½	34.18	7.80
205–14	940	1,025	1,115	1,190	1,270	1,335	1,400	1,455	1,510	1,565	1,610	1,655	1,700	6	35.36	8.19
215–14	1,015	1,115	1,200	1,290	1,380	1,445	1,520	1,590	1,640	1,700	1,740	1,785	1,830	6	36.30	8.58
225–14	1,080	1,180	1,280	1,380	1,465	1,540	1,620	1,700	1,750	1,810	1,850	1,915	1,970	6½	37.25	8.98
165–15	685	750	805	860	915	970	1,015	1,060	1,105	1,135	1,180	1,200	1,235	4½	32.16	6.57
185–15	815	905	970	1,050	1,115	1,180	1,235	1,280	1,325	1,370	1,410	1,445	1,490	5½	34.09	7.40
295–15	880	970	1,060	1,135	1,215	1,280	1,335	1,390	1,445	1,450	1,535	1,580	1,620	5½	35.12	7.80
205–15	970	1,060	1,145	1,225	1,300	1,370	1,445	1,500	1,565	1,610	1,665	1,720	1,765	6	36.30	8.19
215–15	1,050	1,145	1,235	1,335	1,435	1,500	1,590	1,640	1,700	1,740	1,800	1,850	1,910	6	37.24	8.58
235–15	1,150	1,295	1,435	1,545	1,660	1,735	1,825	1,895	1,965	2,035	2,110	2,180	2,245	6½	38.26	9.37
5.0–15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.39
5.5–15	520	585	650	710	760	790	830	860	890	925	955	985	1,015	4	29.54	5.79

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I–D

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (—) RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145–10	495	525	545	565	585	605	625	640	655	670	685	700	710	4	24.76	5.79
125–12	405	430	445	465	480	495	505	525	535	550	560	575	580	3½	24.68	5.00
135–12	480	510	530	550	565	585	600	620	635	650	665	675	685	4	25.53	5.39
145–12	570	605	625	650	675	695	715	740	760	775	790	805	815	4	26.69	5.79
155–12	630	670	695	720	745	770	795	820	840	860	875	890	905	4½	27.36	6.18
135–13	515	545	565	590	610	630	650	670	690	705	715	730	740	4	26.53	5.39
145–13	605	640	665	695	720	740	765	790	815	830	845	855	870	4	27.61	5.79
155–13	670	710	735	765	790	815	840	870	895	910	925	940	955	4½	28.44	6.18
165–13	700	750	800	850	890	930	970	1,010	1,050	1,090	1,130	1,170	1,200	4½	29.52	6.57
75–13			810	860	920	980	1,040	1,100	1,150	1,200	1,240	1,300	1,350	4½	30.30	6.75
85–13			870	940	1,010	1,080	1,140	1,210	1,270	1,330	1,390	1,450	1,510	5	31.42	7.25
195–13			970	1,040	1,110	1,180	1,250	1,320	1,400	1,450	1,520	1,580	1,640	5½	32.38	7.70
135–14	555	585	610	635	655	675	695	720	740	750	765	780	790	4	27.54	5.39
145–14	645	680	710	735	760	785	810	840	865	885	905	920	935	4	28.54	5.79
155–14	630	680	720	760	800	840	880	920	950	980	1,010	1,040	1,070	4½	29.45	6.18
165–14	740	790	840	890	940	980	1,020	1,060	1,100	1,140	1,180	1,220	1,250	4½	30.53	6.57
175–14			830	900	960	1,030	1,100	1,160	1,230	1,280	1,350	1,400	1,470	5	31.63	7.00
185–14			920	1,000	1,070	1,140	1,220	1,290	1,360	1,420	1,500	1,560	1,640	5	32.59	7.30
195–14			1,020	1,100	1,180	1,270	1,340	1,420	1,500	1,570	1,650	1,720	1,800	5½	33.69	7.80
205–14			1,100	1,180	1,270	1,380	1,450	1,540	1,620	1,700	1,770	1,860	1,940	6	34.82	8.80
215–14			1,200	1,300	1,390	1,510	1,580	1,670	1,770	1,850	1,920	2,010	2,100	6	35.79	8.60
225–14			1,320	1,420	1,510	1,610	1,710	1,800	1,900	1,970	2,050	2,150	2,230	6½	36.44	8.95
125–15	495	525	545	565	585	605	625	640	655	670	685	700	710	3½	27.69	5.00
135–15	585	620	645	670	695	715	735	755	775	795	810	825	840	4	28.53	5.39
145–15	680	720	750	780	805	830	855	875	895	920	940	960	975	4	29.54	5.79
155–15	740	785	815	850	880	905	930	955	980	1,005	1,025	1,045	1,060	4½	30.45	6.18
165–15	770	820	870	920	970	1,020	1,070	1,110	1,150	1,190	1,230	1,270	1,310	4½	31.45	6.57
175–15			990	1,050	1,100	1,150	1,200	1,250	1,300	1,350	1,400	1,440	1,480	5	32.41	7.00
180–15	925	980	1,020	1,060	1,095	1,130	1,170	1,190	1,230	1,260	1,280	1,305	1,325	4½	32.04	6.62
185–15			1,000	1,070	1,140	1,210	1,280	1,350	1,420	1,480	1,540	1,600	1,660	5½	33.58	7.45
195–15			1,080	1,160	1,240	1,330	1,400	1,470	1,550	1,620	1,680	1,760	1,820	5½	34.22	7.65
205–15			1,190	1,280	1,370	1,450	1,530	1,620	1,700	1,760	1,840	1,920	2,000	6	35.20	8.10
215–15			1,280	1,380	1,480	1,570	1,660	1,760	1,860	1,940	2,020	2,100	2,200	6	36.00	8.35
225–15			1,370	1,470	1,580	1,670	1,780	1,880	1,980	2,060	2,150	2,240	2,340	6½	36.94	8.80
235–15			1,430	1,540	1,640	1,750	1,850	1,960	2,060	2,160	2,250	2,350	2,450	6½	37.75	9.05
185–16			1,140	1,210	1,270	1,330	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.14	7.40
165–400	800	860	920	980	1,030	1,080	1,130	1,180	1,220	1,260	1,300	1,340	1,380	4.65	32.04	6.62

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I–E

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "77 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
G77–14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.04	8.45
5.9–10	385	430	475	515	550	580	605	630	660	675	700			4	24.00	5.80
5.9–12	460	505	550	595	640	665	700	730	755	785	810			4	26.00	5.90
6.2–12	485	545	605	655	705	735	775	805	835	865	895	925	950	4	27.21	6.06
6.2–13	515	575	640	700	750	780	820	850	880	910	945	975	1,005	4	28.19	6.06
6.9–13	635	715	795	845	915	955	1,005	1,045	1,085	1,120	1,160			4½	29.92	6.77
6.2–15	585	660	730	780	835	875	915	950	985	1,020	1,055	1,090	1,125	4	30.17	6.06
6.9–15	705	795	880	955	1,020	1,070	1,125	1,170	1,215	1,255	1,300	1,345	1,385	4½	31.93	6.77

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I–F

TIRE LOAD RATINGS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (—) RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
5.20–10	435	460	485	510	535	560	585	615	635	660	685	710	735	3½	24.84	5.20
5.00–12	480	495	515	535	555	575	595	615	635	650	670	690	710	3½	25.62	5.04
5.20–12	515	540	565	590	615	640	665	695	715	740	765	790	815	3½	26.79	5.20
5.50–12	520	545	570	595	620	650	670	705	725	750	775	800	825	4	26.93	5.59
5.60–12	600	630	655	685	715	740	770	800	825	850	875	905	930	4	27.83	5.71
5.00–13	535	555	575	590	615	630	650	670	690	705	725	745	765	3½	26.64	5.04
5.20–13	570	595	620	645	670	695	720	750	770	795	820	845	870	3½	27.72	5.20
5.50–13	575	600	625	650	675	695	725	750	775	795	825	850	875	4	27.95	5.59
5.60–13	655	685	710	740	765	795	825	855	880	905	935	960	990	4	28.92	5.71
6.00–13	675	705	735	760	790	815	845	875	900	925	950	975	1,005	4	29.37	6.00
5.90–13	705	780	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	29.74	5.91
6.40–13	810	840	870	905	940	970	1,005	1,040	1,070	1,100	1,135	1,165	1,200	4½	31.26	6.42
6.50–13	800	830	860	890	925	960	995	1,030	1,060	1,090	1,120	1,150	1,180	4½	30.75	6.60
6.70–13	690	775	860	935	1,000	1,045	1,090	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	6.69
7.00–13	870	910	950	985	1,025	1,060	1,100	1,145	1,175	1,215	1,255	1,295	1,335	5	31.88	7.10
7.25–13	940	980	1,020	1,060	1,100	1,135	1,175	1,215	1,255	1,290	1,330	1,370	1,410	5	32.51	7.24
5.20–14	605	640	670	700	730	760	795	830	855	885	915	950	980	3½	28.89	5.20
5.90–14	750	785	815	845	875	905	935	970	995	1,025	1,055	1,085	1,115	4	30.76	5.91
7.00–14	925	960	1,000	1,040	1,075	1,115	1,155	1,195	1,235	1,270	1,320	1,350	1,380	5	32.88	7.10
7.50–14	1,065	1,100	1,140	1,180	1,220	1,260	1,300	1,340	1,380	1,415	1,460	1,500	1,540	5½	34.19	7.65
5.60–15	705	780	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	30.87	5.71
6.40–15	885	925	965	1,005	1,040	1,080	1,120	1,160	1,200	1,235	1,275	1,310	1,350	4½	33.26	6.42
6.70–15	975	1,015	1,055	1,095	1,130	1,170	1,215	1,255	1,290	1,325	1,365	1,405	1,445	4½	33.95	7.00
7.60–15	1,160	1,200	1,245	1,285	1,325	1,370	1,415	1,465	1,500	1,535	1,575	1,610	1,655	5½	36.00	7.90

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".
[2] Actual section width and overall width shall not exceed the specified width by more than 7 percent.

TABLE I–G

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" TYPE "R" RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
DR70–14	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490			5½	32.78	7.90
ER70–14	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580			5½	33.42	8.10
FR70–14	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700			6	34.34	8.55
GR70–14	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830			6	35.12	8.85
HR70–14	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010			6½	36.31	9.40
JR70–14	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100			6½	36.86	9.55
LR70–14	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230			6½	37.59	9.80
DR70–15	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490			5½	33.34	7.75
ER70–15	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580			5½	33.91	7.95
FR70–15	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700			6	34.87	8.40
GR70–15	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830			6	35.65	8.65
HR70–15	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010			6½	36.83	9.20
JR70–15	1,430	1,500	1,580	1,650	1,720	1,790	1,960	1,920	1,980	2,040	2,100			6½	37.31	9.40
KR70–15	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150			6½	37.62	9.50
LR70–15	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230			6½	38.06	9.65

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I–H

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "R" RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145R10	525	550	580	605	630	655	680	700	725	750	770			4	24.76	5.79
125R12	430	450	475	495	515	535	555	575	595	610	630			3½	24.68	5.00
135R12	505	535	560	585	610	635	655	680	700	725	745			4	25.53	5.39
145R12	600	635	665	695	725	755	780	810	835	860	885			4	26.69	5.79
155R12	665	700	735	770	800	835	865	895	925	950	980			4½	27.36	6.18
135R13	545	575	600	630	655	680	705	730	755	780	800			4	26.53	5.39
145R13	665	700	735	770	800	835	860	890	920	950	980			4	27.59	5.79
155R13	730	770	810	845	885	915	950	985	1,015	1,045	1,075			4½	28.44	6.18
165R13	770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140			4½	29.18	6.40
175R13	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300			4½	30.30	6.75
185R13	980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440			5	31.42	7.25
195R13	1,060	1,110	1,170	1,220	1,280	1,320	1,370	1,420	1,470	1,510	1,550			5½	32.38	7.70
135R14	585	615	645	675	705	730	760	785	810	835	860			4	27.54	5.39
145R14	675	715	750	785	815	850	880	910	940	965	995			4	28.54	5.79
155R14	780	820	860	900	940	970	1,010	1,040	1,080	1,110	1,140			4	29.51	6.05
165R14	860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270			4½	30.65	6.55
175R14	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390			5	31.63	7.00
185R14	1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540			5	32.59	7.30
195R14	1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690			5½	33.69	7.80
205R14	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830			6	34.82	8.30
215R14	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000			6	35.79	8.60
225R14	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100			6½	36.44	8.95
125R15	520	550	575	605	630	655	680	705	725	745	770			3½	27.69	5.00
135R15	615	650	680	715	745	775	800	830	855	880	910			4	28.53	5.39
145R15	720	760	795	830	865	900	935	965	995	1,025	1,055			4	29.54	5.79
155R15	780	825	865	905	940	980	1,015	1,050	1,085	1,115	1,150			4½	30.45	6.18
165R15	870	910	960	1,000	1,050	1,090	1,130	1,170	1,200	1,240	1,270			4½	31.18	6.40
175R15	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390			5	32.30	6.90
185R15	1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570			5½	33.58	7.45
195R15	1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690			5½	34.22	7.65
205R15	1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820			6	35.20	8.10
215R15	1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970			6	36.00	8.35
225R15	1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100			6½	36.94	8.80
235R15	1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230			6½	37.75	9.05

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I–J

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
B78–14	870	910	960	1,000	1,050	1,090	1,130	1,170	1,200	1,240	1,280			4½	30.92	6.60
C78–14	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400			5	31.95	7.05
D78–14	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490			5	32.52	7.35
E78–14	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580			5½	33.29	7.65
F78–14	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700			5½	34.04	7.90
G78–14	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830			6	35.02	8.35
H78–14	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010			6	36.06	8.70
J78–14	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100			6	36.58	8.80
C78–15	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400			5	32.45	6.95
D78–15	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490			5	33.05	7.15
E78–15	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580			5	33.65	7.35
F78–15	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700			5½	34.56	7.70
G78–15	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830			5½	35.36	8.05
H78–15	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010			6	36.50	8.55
J78–15	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100			6	37.02	8.70
L78–15	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230			6	37.73	8.85

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD NO. 110 TIRE SELECTION AND RIMS—PASSENGER CARS

1. S4.4.1 of Standard No. 110 (33 F.R. 5949) is amended as follows:

S4.4.1 *Requirements.* Each rim shall:

(a) Be constructed to the dimensions of a rim specified for the applicable tire's size designation in a reference cited in the definition of test rim in S3 of Motor Vehicle Safety Standard No. 109. Approved alternative size rims, not cited in S3 of Motor Vehicle Safety Standard No. 109 are listed in Table I of Appendix A of Standard No. 110.

(b) In the event of rapid loss of inflation pressure with the vehicle traveling in a straight line at a speed of 60 miles per hour, retain the deflated tire until the vehicle can be stopped with a controlled braking application.

2. Table I of Standard No. 110 (33 F.R. 5950) is deleted and in its place the following is inserted:

Appendix A—Federal Motor Vehicle Safety Standard No. 110.

The following table lists alternative size rims for tire and rim combinations not contained in any reference in S3 of Standard No. 109.

Persons requesting the addition of alternative tire rims to Appendix A should submit five (5) copies of information and data supporting the request to the Secretary of Transportation, Attention: Motor Vehicle Safety Performance Service, National Highway Safety Bureau, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591.

The information should contain but not be limited to the following:

1. The requested alternative rim and tire size combination.

2. A statement as to whether the alternative tire/rim combination has been coordinated with an organization such as The Tire and Rim Association, The European Tire and Rim Technical Organization, The Society of Manufacturers and Traders Limited and the Japan Automobile Tire Manufacturers Association, whose purpose is to standardize tire and rim sizes.

3. A statement that the additional rim size requested has been tested in accordance with the requirements of Standard No. 110 and meets the requirements of the standard.

4. Copies of the test data sheets showing test conditions, results of tests performed on the tire/rim combination, and conclusions obtained for the individual tests specified in Standard No. 109.

5. Justification for the additional rim size.

Amendments to Appendix A of Standard No. 110 may be issued by the Director of the Motor Vehicle Safety Performance Service, National Highway Safety Bureau.

FMVSS No. 110

APPENDIX A, TABLE I

(Alternative Rims)

Tire size	*Rim* [1]
6.40–15	*4½–JK, 4½–J, 4½–K, 4.50 E,* 4–J, 5.00E, 5–J, 5–K, 5–JK, 5½–J.
7.00–15	*5.00F, 5–K.*
8.25–15	*6–JK, 6–K, 6–L.*
8.55–15	*6–JK, 6–K, 6–L,* 5½–JK, 5½–JJ, 5½–J.
8.90–15	*6½–L,* 6–JK, 6–JJ, 7–L.
D70–13	*5½–JK, 5½–JJ, 5½–J, 5½–K.*
F70–14	7JJ.
G70–14	7JJ.
5.0–15	*4J,* 3.50B, 3.50D, 3½–J, 4.00C.
5.5–15	*4J,* 3½J, 3.50D, 4½J.
B78–14	*4½–JJ, 4½–J, 4½–K,* 5–JJ, 5J, 5–K.
C78–14	*5–JJ, 5–J, 5–K,* 4½–JJ, 4½–J, 5½–J, 6–JJ, 6–JK.
D78–14	*5–JJ, 5–J, 5–K.*
E78–14	*5½–JK, 5½–JJ, 5½–J, 5½–K,* 4½–JJ, 4½–J, 5–JJ, 5–J, 5–K, 6½–JK.
F78–14	*5½–JJ, 5½–JK, 5½–J, 5½–K,* 5–JJ, 5–J, 5–K, 6–JK, 6–JJ, 6–K, 6½–JK, 6½–JJ.
G78–14	*6–JJ, 6–JK, 6–K,* 5–JJ, 5–J, 5½–JK, 5½–JJ, 5½–J, 5½–K.
H78–14	*6–JK, 6–JJ, 6–K,* 5½–JK, 6½–JK, 6½–JJ, 6½–K.
J78–14	*6–JK, 6–JJ, 6–K,* 6½–JK, 6½–JJ.
C78–15	*5–JJ, 5–J, 5–K,* 4½–JJ, 4½–J, 4½–K.
D78–15	*5–JJ, 5–J, 5–K.*
E78–15	*5–JJ, 5–J, 5–K,* 4½–K, 5½–JK, 5½–JJ, 5½–J, 5½–K, 6–JK, 6–JJ.
F78–15	*5½–JK, 5½–JJ, 5½–J, 5½–K,* 4½–K, 5–JJ, 5–J, 5–K, 6–JK, 6–JJ.
G78–15	*5½–JK, 5½–JJ, 5½–J, 5½–K,* 5–JJ, 5–J, 5–K, 6–JK, 6–JJ, 6–K, 6–L.
H78–15	*6–JK, 6–JJ, 6–K, 6–L,* 5½–JK, 5½–JJ, 5½–J, 5½–K, 6½–K.
J78–15	*6–JK, 6–JJ, 6–K, 6–L,* 6½–JK, 6½–JJ.
L78–15	*6–JK, 6–JJ, 6–K, 6–L,* 6½–JK, 6½–JJ.

[1] Italic designations denote Test Rims.

[F.R. Doc. 68–11975; Filed, Oct. 4, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Limitation of Shipments

Consideration is being given to the limitation of shipments regulation, hereinafter set forth, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 947.327 Limitation of shipments.

During the period October 14, 1968, through October 15, 1969, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* All varieties—6 ounces minimum weight, except that potatoes which are 2 inches minimum diameter or 4 ounces minimum weight may be handled if they are U.S. No. 1, or better grade.

(b) *Minimum maturity requirements.* (1) All varieties—"Slightly skinned," provided that during the period July 1, 1969, through August 31, 1969, the minimum maturity requirement for the White Rose variety and round varieties shall be "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, potato chips, or prepeeled products.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Export.

(7) Potato chipping.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, export, or pototo chipping, pursuant to subparagraphs 5 through 7 of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2), (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph.

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, or unless handled for potato chipping or prepeeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 3, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12224; Filed, Oct. 4, 1968; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Division

[41 CFR Part 50–201]

MINIMUM AGE REQUIREMENTS UNDER THE PUBLIC CONTRACTS ACT

Insertion of Stipulations

An amendment to 41 CFR 50–201.1(d) is proposed to provide a variation of the application of the minimum age provisions of the Public Contracts Act, as amended (49 Stat. 2036), as it applies to contractors who employ female persons. Without the variation proposed, the act provides a minimum age of 18 for employment of girls, and a minimum age of 16 for employment of boys on Federal supply contracts. The amendment is based on the authority contained in section 6 of the act and is in furtherance of the policy against sex discrimination in government contract work expressed in Executive Order No. 11375 (32 F.R. 14303), requiring stipulations against such discrimination in future contracts. The amended paragraph would read as set out below.

Written data, views, or argument regarding this proposal may be filed by mail with the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after this document is published in the FEDERAL REGISTER.

The proposed amended 41 CFR 50–201.1(d) reads as follows:

§ 50–201.1 Insertion of stipulations.

* * * * *

(d) No person under 16 years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

* * * * *

Signed at Washington, D.C., this 2d day of October 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–12153; Filed, Oct. 4, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 275]

[Dockets Nos. 28–1—28–9; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS; CONSUMER INFORMATION

Advance Notice of Proposed Rule Making

Section 112(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.) authorizes the Secretary to require manufacturers of motor vehicles and motor vehicle equipment to give notification of such performance and technical data at the time of original purchase to consumers of motor vehicles and motor vehicle equipment as he determines necessary to carry out the purpose of the Act.

The Federal Highway Administrator is considering rule making to implement this provision which would require manufacturers of motor vehicles and motor vehicle equipment to furnish to consumers on the occasion of purchase certain technical and performance data relating to safety and other performance characteristics. The rule making under consideration is the initial proposal of a comprehensive program whose goal is to supply the consumer with information concerning safety and other performance characteristics of motor vehicles and motor vehicle equipment. Provisions of the proposed rule would require the manufacturers of passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles manufactured after August 1, 1969, to include the consumer information in the "owner's and operator's manual" furnished with each vehicle as well as in a booklet form so as to permit the evaluation of the supplied information prior to purchase by the consumer. The Administrator is also considering other appropriate means by which he may assure the effective dissemination of the information to the public.

The nine items present a wide range of technical problems, some more difficult to resolve than others. For example, data relating to items such as lateral intrusion protection and performance when towing trailers may not be readily available. In such instances additional testing and research to acquire data not now in the possession of manufacturers may be called for. Standards for test conditions and criteria for data compilation may need to be developed so that the consumer can be furnished meaningful information on a comparable basis. Additional problems are presented because of the great variations in size of vehicles and the potential mixes between vehicles and various sizes of trailers. Notwithstanding these difficulties, significant steps should be taken to provide consumers in the near future with meaningful information concerning many if not all of the performance characteristics referred to.

Interested persons are invited to submit written data, views, and comments on the proposed rule making. Comments should cover but need not be limited to the following topics: uniform testing and demonstration procedures for use in obtaining the information and methods of presenting the data to consumers in the most meaningful and useful format. Interested persons should also provide comments as to the cost and time required to provide the information with respect to each item of consumer information. Comments are also requested concerning the benefits, hazards, and detriments that may accrue, as a result of the dissemination of this information.

The nine consumer information areas being considered at this time for which the Administrator welcomes comments follow:

[Docket No. 28–1]

BRAKING PERFORMANCE

Information on stopping distance of passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles for dry and wet brakes as related to fully operational braking systems, partial system failures, and power assist failure if applicable; at specified (a) vehicle loadings including full load, (b) ambient temperatures, (c) speeds up to maximum vehicle speed and (d) coefficients of friction of the road surface.

[Docket No. 28–2]

TIRE PERFORMANCE

Information as to the extent to which the performance of new passenger car tires sold individually exceeds the requirement of Federal Motor Vehicle Safety Standard No. 109, and information concerning the extent to which passenger car tires supplied as original equipment provide performance in excess of the minimum requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110.

[Docket No. 28–3]

LATERAL INTRUSION PROTECTION OF PASSENGER COMPARTMENTS IN A CRASH

Information on the resistance to lateral intrusion of passenger compartments of passenger cars and multipurpose passenger vehicles including specific comments and proposals concerning static and/or dynamic test methods.

[Docket No. 28–4]

ILLUMINATION AND GLARE PRODUCED BY HEADLAMPS

Information describing the headlamp performance of passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles at various ambient illuminating conditions and vehicle loadings noting: (a) The time at various speeds, including the maximum speed of the vehicle, in which the vehicle covers the distance for which the specified illumination provided illuminates the driving environment including, but not limited to, objects on and off the road, road signs, and pedestrians; and (b) the production of glare toward oncoming pedestrians, cyclists, and vehicle operators.

[Docket No. 28–5]

FIELD OF VIEW FOR DRIVER

Information describing the field of view, including that provided by mirrors, at the ground level and at specified heights above the ground level available to the driver of passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles at specified passenger and cargo loadings from specified eye reference loci.

[Docket No. 28–6]

ACCELERATION AND PASSING ABILITY

Information concerning the acceleration and passing ability of passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles at various specified loads and speeds, over different road conditions including specified coefficients of friction of the road surface and on specified grades.

[Docket No. 28–7]

STEERING RATIO

Information describing the steering ratio, of passenger cars, multipurpose passenger vehicles, trucks, and buses. Comments should include attention to the description of the steering ratio of vehicles with nonlinear relationships between steering wheel and front wheel displacement.

[Docket No. 28–8]

PERFORMANCE OF PASSENGER CARS AND MULTIPURPOSE PASSENGER VEHICLES WHEN TOWING TRAILERS

Information including the effect of the configuration of the combined vehicle (towed vehicle weight, the towing vehicles weight, weight distribution and all types of hitch configuration) when operated in varying environmental conditions including specified coefficients of friction of the road surface, grades, speeds and winds as related to (a) the field of view of the driver, (b) handling characteristics, (c) acceleration and passing ability and (d) braking performance.

[Docket No. 28–9]

FLAMMABILITY OF MATERIALS IN VEHICLE INTERIORS

Information on such characteristics as ease of ignition, self-extinguishment, rate of burning, tendency to smolder, and production of toxic and noxious combustion by-products of interior materials in their normal location and orientation in occupant compartments or any other contiguous space not separated from the occupant compartment by a burn resistant barrier. This information is requested on all interior materials including, but not limited to, fabrics, interior surface coverings, plastics, cushioning materials, decorative paneling, seat covers, floor coverings, floor mats, wall coverings, ceiling coverings, adhesives and sealers used in passenger cars, multipurpose passenger vehicles, trucks, buses, and trailers.

It is requested that comments contain supporting statements and data to justify all conclusions and recommendations. Comments must identify the individual docket number and notice, and be submitted with no more than a single docket input on any one page. Ten copies shall be submitted to the National Highway Safety Bureau, Attention: Rules Docket, Room 512, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591. All comments received by close of business November 8, 1968, will be considered by the Administration before issuing specific rule making proposals. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

After consideration of the available data and comments, a notice of proposed rule making will be issued if considered appropriate.

The advance notice of proposed rule making is issued under the authority of sections 112(d) and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d), 1407) and the delegation of authority contained in section 14(c) of Part I of the Regulations of the Office of the Secretary (49 CFR Part 1).

Issued in Washington, D.C., on October 3, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68–12223; Filed, Oct. 4, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1060]

[Ex Parte No. MC–71]

CRITERIA TO BE USED IN DETERMINING COMPENSATORY NATURE OF MOTOR CARRIER RATES IN PROCEEDINGS INVOLVING OWNER-OPERATORS

Notice of Proposed Rulemaking

This rulemaking proceeding was instituted pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 553, by a notice of proposed rulemaking published in the August 26, 1966, issue of the FEDERAL REGISTER on page 11320.

Further notice is hereby given that the Commission proposes to amend Chapter X of 49 CFR by adding Part 1060 for the purpose of promulgating standards or criteria for the assistance and guidance of parties in determining the compensatory nature of motor carrier rates where the underlying service is to be performed by owner-operators.

As proposed, Part 1060 will read as follows:

Sec.
1060.1 Definitions.
1060.2 Purpose and scope of regulations.
1060.3 Use of actual costs.
1060.4 Use of territorial-average or regional-average costs.
1060.5 Use of purchased transportation costs.
1060.6 Unofficial forms.

AUTHORITY: The provisions of this Part 1060 issued under sec. 1, 49 Stat. 546, as amended, sec. 1, 49 Stat. 558, as amended, 49 U.S.C. §§ 304, 316.

§ 1060.1 Definitions.

(a) The term "carrier" means any motor carrier, common or contract, subject to Part II of the Interstate Commerce Act.

(b) The term "owner-operator" means a person who is not a carrier as defined in this section but who performs the line-haul transportation for a carrier in whole or in part by means of a motor vehicle not owned by the carrier, such owner-operator either drives the vehicle himself or provides a driver, and assumes responsibility for many of the details relating to the ownership of the vehicle. The owner-operator is usually compensated by the carrier either on the basis of a fixed salary and an allowance for the use of the vehicle, or on the basis of a percentage of the revenue derived from the operations. Minimum compensation for both driver wages and vehicle hire paid to the owner-operator is generally controlled by union contract.

(c) The term "Territorial Average Costs" or "Regional Average Costs" means costs determined either on an "out-of-pocket," "total expense," or "fully-distributed" basis by means of public statement No. 7–66, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, By Regions or Territories, For the Year 1965," or as it may be amended or reissued, and includes all regional and territorial statements referred to therein or as such statements may be amended or reissued.

(d) The term "Actual Cost" means the cost to the carrier and the owner-operator for performing the services, not the amount paid someone else to perform the service.

(e) The term "Purchased Transportation" means the amount paid to owner-operators for performing the services.

§ 1060.2 Purpose and scope of regulations.

The purpose of the regulations in this part is to promulgate standards which may be used by parties in establishing whether specific motor carrier rates are compensatory where the underlying service is to be performed by owner-operators. Nothing in these regulations shall be construed as precluding the submission of other relevant and material evidence and the use of other standards, such as comparisons of rates on other traffic for determining the reasonableness of rates or judging their compensativeness.

§ 1060.3 Use of actual costs.

(a) Any party may submit in any proceeding before the Commission involving the lawfulness of a rate where the underlying transportation is performed or is to be performed by owner-operators, evidence of the actual costs of performing the service.

(b) No special forms are required. The party submitting the costs must show that the formula used is a reasonable method of determining the costs of the carrier and the owner-operator and conforms to acceptable accounting principles. The source of the data upon which the costs are based must be referenced to the general records of the carrier and owner-operator to permit ready identification, and the general records of the

carrier and owner-operator must be accessible for examination by any party to the proceeding in which such evidence is offered and to representatives of the Interstate Commerce Commission.

§ 1060.4 Use of territorial-average or regional-average costs.

Any party may show the "territorial-average" or "regional-average" motor carrier costs of performing a specific transportation service by use of "territorial-average cost" statements issued by the Commission's Cost Finding Section. Where properly computed as instructed in such statements, the costs shall constitute a reasonable approximation of the average costs of motor carriers generally in performing the particular transportation service in issue.

§ 1060.5 Use of purchased transportation costs.

Any party may submit in any proceeding before the Commission involving the lawfulness of a rate where the underlying transportation is performed or is to be performed by owner-operators, evidence of the amount paid for purchased transportation.

§ 1060.6 Unofficial forms.

"Territorial Average Cost" statements relate to documents prepared by the Commission's Cost Finding Section, or as same may be amended or reissued. These statements have not been approved or adopted by the Commission and are unofficial.

Any party desiring to make representations in regard to the proposed change may do so through submission of written data, views, or arguments. The original and 20 copies of such representations [1] must be filed with the Interstate Commerce Commission, Washington, D.C. 20423, within 60 days of the publication hereof in the FEDERAL REGISTER.

A copy of this notice shall be served on each respondent, upon each of the public utility commissions or boards, or similar regulatory bodies, of each State; a copy posted in the Office of the Secretary of this Commission for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12147; Filed, Oct. 4, 1968; 8:47 a.m.]

[1] In lieu of verification under oath, any statement of facts contained in the representation may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that to the best of my knowledge and belief the representations of fact contained therein are true." (Signature)

Notices

FEDERAL POWER COMMISSION

[Docket Nos. G-3060 etc.]

H. R. GOODRICH ET AL.

Findings and Order

SEPTEMBER 27, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, canceling docket numbers, severing proceeding, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Aikman Bros. Corp., Applicant in Docket No. CI69-34, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-12972 to be made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 86. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68-100. Applicant indicates in its certificate application that it intends to be responsible for the total refund from the time that the increased rate was made effective subject to refund. Therefore, Applicant will be made a co-respondent in Docket No. RI68-100; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding with respect to sales made pursuant to the subject contract.

Amarillo Natural Gas Co., Applicant in Docket No. CI69-75, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-5320 to be made pursuant to Skelly Oil Company FPC Gas Rate Schedule No. 50. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rates under said rate schedule are in effect subject to refund in Docket No. RI64-310. Therefore, Applicant will be made co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on September 19, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3060, G-3326, G-5318, G-6159, G-7004, G-13642, G-20565, CI61-304, CI61-1265, CI62-1337, CI65-80, CI65-571, CI65-808, CI66-27, CI66-116, CI66-118, CI66-129, CI66-550, CI66-1129, CI66-1156, CI66-1328, CI67-224, and CI68-1041 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-4579	G-20565
G-4579	CI68-1364
G-5320	CI69-75
G-7177	CI65-808
G-10027	CI68-1278
G-12972	CI69-34
G-17090	CI69-8

(7) The sales of natural gas proposed to be abandoned by the respective applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of Subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI68-1349 and CI69-81 should be cancelled and that the applications filed therein should be processed as amendments to the applications in Docket Nos. G-17775 and CI63-1063, respectively.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. G-17775 should be severed from the proceedings in Docket Nos. G-13221, et al.; that the

abandonment should be permitted and approved in Docket No. G–17775; and that the temporary certificate in Docket No. G–17775 should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the abandonment should be permitted and approved in Docket No. CI63–1063; and that the temporary certificate in Docket No. CI63–1063 should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Aikman Bros. Corp. should be made a co-respondent in the proceeding pending in Docket No. RI68–100, that said proceeding should be redesignated accordingly, and that Aikman Bros. Corp. should be required to file an agreement and undertaking in said proceeding.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Amarillo Natural Gas Co. should be made a co-respondent in the proceeding pending in Docket No. RI64–310, that said proceeding should be redesignated accordingly, and that Amarillo should be required to file an agreement and undertaking in said proceeding.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 8 in the attached tabulation.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Docket Nos. G–5318 and CI69–21 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower.

(b) Buyer in Docket No. CI69–21 is not required to pay for, if available and not taken, an annual quantity of gas in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas reserves for the period prior to October 1, 1971.

(c) If the quality of the gas delivered by Applicants in Docket Nos. G–5318 and CI69–21 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) In the event Applicant in Docket No. CI69–21 exercises its option to process the gas under section 3, article II of the subject contract, Applicant shall submit to the Commission for acceptance, not less than 30 nor more than 90 days prior to the commencement of such processing, a rate schedule supplement setting forth the conditions and details of the contemplated action.

(e) Within 90 days from the date of initial delivery Applicants in Docket Nos. G–5318 and CI69X21 shall file rate schedule quality statements in the form prescribed in pinion No. 468–A.

(f) The authorizations granted herein in Docket Nos. CI66–1328, CI67–224, and CI69–21 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(g) The initial rate for sales authorized in Docket Nos. CI66–1328 and CI68–1316 shall be 15.0 cents per Mcf at 14.65 p.s.i.a, including tax reimbursement, subject to B.t.u. adjustment; however,

(h) In the event that the Commission amends its policy statement No. 61–1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the areas involved herein, Applicants in Docket Nos. CI66–1328 and CI68–1316 thereupon may substitute the new rates reflecting the amounts of such increases, and thereafter collect such new rates prospectively in lieu of the initial rate herein required.

(i) The initial rate for the sale authorized in Docket No. CI67–224 shall be 17 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment.

(F) Certificates are issued herein in Docket Nos. CI67–550, CI69–82, and CI69–101 authorizing the respective Applicants to continue the services being rendered without prior Commission authorization.

(G) The certificates issued herein in Docket Nos. CI68–535, CI68–907, and CI68–908 do not include authorization to sell gas from the SW¼, S½NW¼, and NE¼NW¼ of sec. 15, T. 22 N., R. 6 W., Garfield County, Okla.

(H) Applicant in Docket Nos. CI68–1428 and CI69–18 shall file billing statements for a recent month's service as required by the regulations under the Natural Gas Act.

(I) The certificates heretofore issued in Docket Nos. G–5318, G–7004, G–13642, G–20565, CI61–304, CI61–1265, CI65–80, CI65–808, CI66–27, CI66–118, CI66–129, CI66–550, CI66–1328, CI67–224, and CI68–1041 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(J) The certificate heretofore issued in Docket No. G–6159 is amended by deleting therefrom authorization to sell natural gas from the Pearl Mundy Lease. Sales from said lease are still subject to the rate suspension proceeding pending in Docket No. G–20347.

(K) The certificate heretofore issued in Docket No. CI65–571, is amended to include the sale of natural gas from the additional acreage and to include the interest of the nonsignatory coowner. The certificate and the related rate schedule is redesignated as Atlantic Richfield Co. (Operator) et al., as indicated in the tabulation herein.

(L) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing

certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–4579	G–20565
G–4579	CI68–1364
G–5320	CI69–75
G–7177	CI65–808
G–10027	CI68–1278
G–12972	CI69–34
G–17090	CI69–8

(M) The certificates heretofore issued in Docket Nos. G–3060, G–3326, CI62–1337, CI66–116, CI66–1129, and CI66–1156 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(N) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(O) Docket Nos. CI68–1349 and CI69–81 are canceled.

(P) Docket No. G–17775 is severed from the proceedings in Docket No. G–13221 et al.; the abandonment is granted in Docket No. G–17775; and the temporary certificate in Docket No. G–17775 is terminated. Such authorization shall not be construed to relieve Applicant of any refund obligations which may be imposed in Opinion No. 436.

(Q) The abandonment is granted in Docket No. CI63–1063 and the temporary certificate in Docket No. CI63–1063 is terminated. Such authorization shall not be construed to relieve Applicant of any refund obligations which may be ordered in the related rate suspension proceedings pending in Docket Nos. RI61–173, RI62–133, RI64–330, and RI65–281.

(R) The certificates heretofore issued in Docket Nos. G–3826, G–7173, G–7650, G–8501, CI61–574, CI62–300, CI62–428, and CI62–1271 are terminated.

(S) Aikman Bros. Corp. is made a co-respondent in the proceeding pending in Docket No. RI68–100 and the proceeding is redesignated accordingly.[1]

(T) Within 30 days from the issuance of this order, Aikman Bros. Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI68–100 to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding with respect to sales made pursuant to the contract on file as Sun Oil Co. FPC Gas Rate Schedule No. 86 and Aikman Bros. Corp. FPC Gas Rate Schedule No. 5. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(U) Aikman Bros. Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by Aikman Bros. Corp. in Docket No. RI68–100 shall remain in full force and effect until discharged by the Commission.

(V) Amarillo Natural Gas Co. is made a co-respondent in the proceeding pending in Docket No. RI64–310, and the proceeding is redesignated accordingly.[2]

(W) Within 30 days from the issuance of this Order, Amarillo Natural Gas Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–310 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(X) Amarillo Natural Gas Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by Amarillo in Docket No. RI64–310 shall remain in full force and effect until discharged by the Commission.

(Y) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Sun Oil Co. and Aikman Bros. Corp.

[2] Skelly Oil Co. and Amarillo Natural Gas Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3060 E 7–29–68	H. R. Goodrich et al. (successor to R. H. Goodrich).	Texas Eastern Transmission Corp., Helen Gohlke Field, Victoria and De Witt Counties, Tex.	R. H. Goodrich, FPC GRS No. 3.	3	----
			Supplement Nos. 1–11	3	1–11
			Notice of succession 7–29–68.[1]		
			Effective date: 8–11–67		
G–3326 E 7–29–68	do	do	R. H. Goodrich, FPC GRS No. 2.	4	----
			Supplement Nos. 1–10	4	1–10
			Notice of succession 7–29–68.[1]		
			Effective date: 8–11–67		
G–5318 C 5–17–68	Skelly Oil Co.[2]	Northern Natural Gas Co., Elliott B–9 Unit, Lea County, N. Mex.	Agreement 4–19–68 [3]	48	10
G–7004 D 7–26–68	Pennzoil United, Inc.	Consolidated Gas Supply Corp., Poca District, Kanawha County, W. Va.	Amendatory agreement 5–17–68.[4 5]	10	10
G–13642 D 7–23–68	Mobil Oil Corp. (Operator) et al. (partial abandonment).	Transcontinental Gas Pipe Line Corp., Pointe Au Fer Field, Terrebonne Parish, La.	Notice of partial cancellation 7–22–68.[5 6]	292	4
F G–20565 (G–4579) C 7–8–68	Frederic C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd.	Northern Natural Gas Co., acreage in Texas County, Okla., and Morton County, Kans.	Agreement 5–15–68 [7]	24	4
CI61–304 D 7–25–68	A. T. Carr (Operator) et al., d.b.a. A. T. Carr Drilling Co.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Notice of Cancellation 7–24–68.[5 6]	1	2
CI61–1265 C 7–25–68 [8]	Southern Union Production Co.	El Paso Natural Gas Co., Fruitland Formation, San Juan County, N. Mex.	Agreement 6–20–68 [3 9]	2	29
CI62–1337 E 7–15–68	Amarillo Natural Gas Co. (Operator) et al. (successor to W. J. Fellers (Operator) et al.).	Panhandle Eastern Pipe Line Co., Atwell Gas Unit, Seward County, Kans.	W. J. Fellers (Operator) et al., FPC GRS No. 1:	2	----
			Supplement Nos. 1–16	2	1–16
			Notice of succession (Undated).		
			Assignment 3–28–68 [10]	2	17
			Effective date: 2–1–68		
CI65–80 C 7–31–68 [8]	J. C. Baker & Son, Inc.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Letter agreement 6–5–68 [3]	1	4
CI65–571 C 7–22–68 [8 11]	Atlantic Richfield Co. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 6–26–68.[3]	293	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
F CI65-808 (G-7177) C 6-25-68	James W. Harris (Operator) et al.	United Gas Pipe Line Co., Gwinville Field, Jefferson Davis County, Miss.	Assignment 6-22-64 [12]	5	3
			Effective date: 5-25-64		
			Assignment 7-22-65 [12]	5	4
			Effective date: 5-13-65		
			Assignment 11-12-65 [12]	5	5
			Effective date: 11-12-65		
(G-7177) [13]	Gulf Oil Corp. (Operator) et al.	----do----	Assignment 6-22-64 [12]	74	18
			Effective date: 5-27-65		
			Assignment 7-22-65 [12]	74	19
			Effective date: 8-5-66		
			Assignment 11-12-65 [12]	74	20
			Effective date: 8-5-66		
CI66-27 C 6-21-68 [8]	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator).	Panhandle Eastern Pipe Line Co., Chaneydell Plant, Alfalfa, Garfield, and Major Counties, Okla.	Amendatory agreement 5-14-68.[3]	83	3
CI66-116 E 7-12-68	Amarillo Natural Gas Co. (Operator) et al. (successor to W. J. Fellers (Operator) et al.).	Northern Natural Gas Co., North Lemon and Victory Fields, Haskell County, Kans.	W. J. Fellers (Operator) et al., FPC GRS No. 2.	3	----
			Notice of succession (Undated).		
			Assignment 3-28-68 [10]	3	1
			Effective date: 2-1-68		
CI66-118 D 6-26-68	A. M. Van Flick, agent for Pacific States Gas & Oil Co.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Letter agreement 4-26-68.[5 14]	6	2
CI66-129 C 7-25-68 [8]	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 7-19-68.[3]	86	5
CI66-550 D 6-26-68	Pacific States Gas & Oil, Inc.	Equitable Gas Co., DeKalb District, Gilmer County and Union District, Ritchie County, W. Va.	Letter agreement 4-26-68.[5 14]	2	1
CI66-1129 E 7-12-68	Amarillo Natural Gas Co. (Operator) et al. (successor to W. J. Fellers (Operator et al.).	Northern Natural Gas Co., North Lemon and Victory Fields, Haskell County, Kans.	W. J. Fellers (Operator) et al., FPC GRS No. 5.	4	----
			Notice of succession (Undated).		
			Assignment 3-28-68 [10]	4	1
			Effective date: 2-1-68		
CI66-1156 E 7-12-68	----do----	Cities Service Gas Co., North Nye Field, Beaver County, Okla.	W. J. Fellers (Operator) et al., FPC GRS No. 6.	5	----
			Supplement No. 1	5	1
			Notice of succession (Undated).		
			Assignment 3-28-68 [10]	5	2
			Effective date: 2-1-68		
CI66-1328 C 6-3-68 [8]	Sunray DX Oil Co.	Panhandle Eastern Pipe Line Co., Tangier Area, Roger Mills County, Okla.	Amendatory agreement 4-22-68.	268	4
			Compliance (Undated) [15]	268	5
CI67-224 C 10-23-67 [8] C 5-23-68 [8]	Midwest Oil Corp.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendatory agreement 8-18-67.	42	2
			Amendatory agreement 4-10-68.	42	4
			Compliance 7-17-68 [18]	42	6
CI67-550 A 10-20-66 [17]	Lester Davidson & Co.	Carnegie Natural Gas Company Acreage in Gilmer County, W. Va.	Contract 3-9-55 [3]	1	----
CI68-535 A 10-11-67 [8]	Cleary Petroleum, Inc.	Arkansas Louisiana Gas Co., Enid Area, Garfield County, Okla.	Contract 9-5-67	28	----
			Letter agreement 9-5-67	28	1
			Amendatory agreement 9-14-67.	28	2
			Letter agreement 1-25-68 [13]	28	3
			Compliance 2-1-68 [19]	28	4
CI68-907 A 1-24-68 [8]	Petrolia Drilling Corp.	----do----	Contract 10-16-67 [20 20a]	1	----
			Amendatory agreement 2-12-68.[21]	1	1
			Contract 9-5-67 [22]	1	2
			Letter agreement 9-5-67	1	3
			Amendatory agreement 9-14-67.	1	4
			Letter agreement 4-23-68 [13]	1	5
			Compliance 6-26-68 [19]	1	6
CI68-908 A 1-24-68 [8]	Douglas Resources Corp., agent et al.	Arkansas Louisiana Gas Co., Enid Area, Garfield County, Okla.	Contract 10-11-67 [20 23]	7	----
			Amendatory agreement 2-12-68.[21 23]	7	1
			Contract 9-5-67 [22]	7	2
			Letter agreement 9-5-67 [22]	7	3
			Amendatory agreement 9-14-67.[22]	7	4
			Contract 10-2-67 [20 24]	7	5
			Amendatory agreement 2-12-68.[21 24]	7	1 to 5
			Contract 10-3-67 [20 26]	7	6
			Amendatory agreement 2-12-68.[21 25]	7	1 to 6
			Contract 10-11-67 [20 28]	7	7
			Amendatory agreement 2-12-68.[21 28]	7	1 to 7
			Letter agreement (Undated). [18 24]	7	8
			Letter agreement 4-22-68.[18 25]	7	9
			Letter agreement 4-25-68.[18 26]	7	10
			Letter agreement 4-25-68.[18 23]	7	11
			Compliance 6-18-68 [27]	7	12
CI68-909 A 1-24-68 [8]	L. O. Ward, agent et al.	----do----	Contract 11-9-67 [20 28]	1	----
			Contract 9-5-67 [22]	1	1
			Letter agreement 9-5-67	1	2
			Amendatory agreement 9-14-67.	1	3
			Contract 10-4-67 [20 29]	1	4
			Amendatory agreement 2-12-68. [30]	1	1 to 4
			Contract 11-1-67 [20 31]	1	5
			Contract 11-3-67 [20 32]	1	6
			Contract 11-3-67 [20 33]	1	7
			Contract 11-3-67 [20 34]	1	8
			Contract 11-17-67 [20 35]	1	9
			Contract 11-17-67 [20 30]	1	10
			Letter agreement 4-18-68. [18 29]	1	11
			Letter agreement 4-22-68. [18 31]	1	12
			Letter agreement 4-25-68. [18 38]	1	13
			Letter agreement 6-28-68. [18 35]	1	14
			Letter agreement (Undated). [18 28]	1	15
			Letter agreement (Undated). [18 32]	1	16
			Letter agreement (Undated). [18 33]	1	17
			Letter agreement (Undated). [18 34]	1	18
			Compliance 6-28-68 [27]	1	19
CI68-1041 C 7-29-68 [8]	Federal Oil & Gas Co. et al.	Consolidated Gas Supply Corp., Courthouse District, Taylor County, W. Va.	Letter agreement 1-29-68. [3]	1	1
CI68-1278 (G-10027) F 5-6-68	Getty Oil Co. (successor to Austral Oil Co., Inc., agent for Oil Participations Incorporated).	United Fuel Gas Co., South Thornwell Field, Jefferson Davis Parish, La.	Contract 2-8-56 [37]	164	----
			Amendatory agreement 3-28-60.	164	1
			Amendatory agreement 1-4-62.	164	2
			Assignment 11-30-67 [38]	164	3
			Effective date: 4-19-66		
CI68-1316 A 5-20-68 [8]	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., North Waynoka Field, Woods County, Okla.	Contract 4-22-68	397	----
			Compliance 6-25-68 [39]	397	1
CI68-1349 (G-17775) B 5-28-68 [40]	Hurley Oil & Gas Co. (Operator) et al.	Transcontinental Gas Pipe Line Corp., Vacherie Field, St. James Parish, La.	Notice of cancellation 5-27-68.[5 41]	[42] 8	3

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI68-1364 (G-4579) F 5-31-68 [43]	The Ohio Fuel Supply Co. (successor to Cities Service Oil Co.).	Northern Natural Gas Co., Hugoton Field (Deep), Texas County, Okla.	Contract 7-31-63 [44]	5	
			Contract 5-24-63	5	1
CI68-1410 A 6-17-68 [3] (G-6159) [45]	The Superior Oil Co	Lone Star Gas Co., Garvin County Field Area, Garvin County, Okla.	Contract 12-1-66 [3 45]	134	
CI68-1428 A 6-21-68 [3]	Sohio Petroleum Co	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	Contract 3-8-57 [47]	140	
			Assignment 1-1-65 [48]	140	1
			Assignment 1-1-65 [3 49]	140	2
CI69-8 (G-17090) F 6-27-68	Aikman Bros. Corp. (successor to Roland S. Bond).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 0-11-58 [50]	4	
			Assignment 5-8-68 [51]	4	1
CI69-18 A 6-27-68 [3]	Sohio Petroleum Co	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	Contract 5-1-54 [47]	141	
			Assignment 1-1-65 [48]	141	1
			Assignment 1-1-65 [3 49]	141	2
CI69-21 A 7-2-68	Forest Oil Corp. (Operator) et al.[52]	Northern Natural Gas Co., West Waha Field, Reeves County, Tex.	Contract 6-27-68 [3]	44	
CI69-34 (G-12972) F 7-8-68	Aikman Bros. Corp. (successor to Sun Oil Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 3-9-57 [53]	5	
			Assignment 6-26-68 [54]	5	1
CI69-75 (G-5329) F 7-16-68	Amarillo Natural Gas Co. (successor to Skelly Oil Co.).	Cities Service Gas Co., Hugoton Field, Texas County, Okla.	Contract 8-28-45 [55]	6	
			Letter agreement 9-10-58	6	1
			Assignment 1-5-68 [56]	6	2
			Effective date: 12-23-67		
CI69-81 (CI63-1063) B 7-22-68 [57]	General American Oil Co. of Texas.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	Notice of cancellation 7-18-68.[5 6]	[58] 67	7
CI69-82 A 7-17-68 [3 17]	Wroe Owens	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	Contract 11-14-58	2	
			Supplemental agreement 11-14-58.[3]	2	1
CI69-84 A 7-22-68 [3]	J. E. Allen et al., d.b.a. Crane Creek Gas Co. et al.	Consolidated Gas Supply Corp., Sandy River District, McDowell County, W. Va.	Contract 4-3-68 [3]	2	
CI69-85 A 7-22-68 [3]	Morris Oil & Gas Co., Inc.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 4-10-68 [3]	13	
CI69-86 (CI62-428) B 7-22-68	W. H. Haas	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Notice of cancellation 7-19-68.[5 5]	2	2
CI69-87 (CI62-300) B 7-22-68	do	do	Notice of cancellation 7-19-68.[5 5]	1	14
CI69-88 A 7-22-68 [3]	Neal A. Mager et al	Phillips Petroleum Co., Panhandle Field, Hutchinson County, Tex.	Contract 3-20-61 [3]	1	
CI68-89 A 7-22-68 [3]	do	do	Contract 2-6-61 [3]	2	
CI69-90 (G-7173) B 7-22-68	Gulf Oil Corp	Arkansas Louisiana Gas Co., Jeems Bayou Field, Caddo Parish, La.	Notice of cancellation 7-19-68.[5 59]	78	8
CI69-92 (G-7650) B 7-23-68	Mobil Oil Corp	United Gas Pipe Line Co., Refugio Field, Refugio County, Tex.	Notice of cancellation 7-22-68.[5 5]	287	9
CI69-100 A 7-25-68 [3]	Patric Petroleum Co	United Fuel Gas Co., Union District, Kanawha County, W. Va.	Contract 7-9-68 [3 55]	1	
CI69-101 A 7-25-68 [3 17]	Lock 3 Oil, Coal & Dock Co. et al.	Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va.	Contract 7-26-67 [3]	14	
CI69-106 (G-8501) B 7-29-68	E. M. Reynolds Gas Co.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation 7-26-68.[5 3]	1	1
CI69-109 (CI62-1271) B 7-29-68	A. T. Carr et al., d.b.a. A. T. Carr Drilling Co.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Notice of cancellation 7-26-68.[5 6]	4	1
CI69-111 A 7-30-68 [3]	Professional Petroleum Exploration, Inc.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Contract 6-28-68 [3 60]	1	
CI69-112 (G-3826) B 7-29-68	R. H. Goodrich [61]	Texas Eastern Transmission Corp., Helen Gohlke Field, Victoria and De Witt Counties, Tex.	Notice of cancellation 7-29-68.[5 6]	4	12
CI69-119 A 8-2-68 [3]	Sohio Petroleum Co	Northern Natural Gas Co., Northwest Camrick Field, Texas County, Okla.	Contract 7-9-68 [62]	139	
CI69-122 A 8-5-68	Har-Ken Oil Co. (Operator) et al.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	Contract 7-18-68 [3 63]	12	
CI69-123 (CI61-574) B 8-5-68	Gulf Oil Corp	Kansas-Nebraska Natural Gas Co., Inc., White Pool, Logan County, Colo.	Notice of cancellation 8-2-68.[5 59]	206	1
CI69-129 A 8-7-68 [3]	MacDonald Spidel et al	Consolidated Gas Supply Corp., Courthouse District, Lewis County, W. Va.	Contract 5-20-68 [3]	4	

[1] H. R. Goodrich et al., became successors in interest upon closing of the Estate of R. H. Goodrich, Deceased.
[2] By letter filed June 17, 1968, Applicant expressed willingness to accept permanent authorization conditioned as Opinion No. 468.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Deletes gas to be produced from "Newburg" Formation.
[5] Effective date: Date of this order.
[6] Source of gas depleted.
[7] Covers acreage acquired from Cities Service Oil Co. (Operator) et al., FPC GRS Nos. 167, 168, 170, and 171.
[8] Jan. 1, 1979, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[9] Adds acreage; limits production to Fruitland Formation; eliminates favored-nations provisions and provides for 1-cent per Mcf price escalation every 5 years.
[10] Assigns acreage from W. J. Fellers to Amarillo Natural Gas Co. (Operator) et al.
[11] By letter filed Aug. 7, 1968, Applicant amended its application to include the interest of W. H. Gilmore as a nonsignatory co-owner.
[12] Assigns acreage from Gulf Oil Corp. to James W. Harris (Operator) et al.
[13] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[14] Deletes surrendered acreage, since acquired by Rabbit Gas and Oil Co.; on file as Rabbit Gas and Oil Co. FPC GRS No. 1 in Docket No. CI68-1372.
[15] Complies with temporary certificate issued July 2, 1968. By letter dated July 18, 1968, Applicant stated willingness to accept permanent authorization conditioned to 15 cents including tax reimbursement, subject to B.t.u. adjustment and subject to the outcome of the proceedings in Docket No. R-338.
[16] Complies with temporary certificate issued July 2, 1968; Applicant has stated willingness to accept permanent authorization conditioned to 17 cents including tax reimbursement, subject to B.t.u. adjustment and subject to the outcome of the proceedings in Docket No. R-338.
[17] Sale being rendered without prior Commission authorization.
[18] Applicant waives rights to indefinite price increase.
[19] Accepts temporary certificates dated Jan. 5, 1968 and June 7, 1968, respectively.
[20] Adopts terms of contract dated Sept. 5, 1967 between Cleary Petroleum, Inc., and buyer.
[20a] Between Petrolia Drilling Corp. and buyer.
[21] Provides more accurate description of dedicated interests than is shown in sales contract.
[22] Between Cleary Petroleum, Inc., and buyer.
[23] Between Douglas Resources Corp. and buyer.
[24] Between Dr. Martin Trepel and buyer.
[25] Between Thor H. Ramsing and buyer.
[26] Between The Boswell Corp. and buyer.
[27] Accepts conditioned temporary certificate issued June 7, 1968.
[28] Between L. O. Ward and buyer.
[29] Between Bonray Oil Co. and buyer.
[30] Identifies acreage in which Bonray Oil Co. has an interest which is dedicated under Oct. 4, 1967, contract (Supplement No. 4).
[31] Between National Cooperative Refinery Association and buyer.
[32] Between Jack H. Choate and buyer.
[33] Between Carl E. Gungoll and buyer.
[34] Between Henry Gungoll and buyer.
[35] Between Diamond Alkali Co. (now Diamond Shamrock Corp.) and buyer.
[36] Between Prairie Producing Co. and buyer.

See footnotes at end of table.

[37] Contract also on file as Austral Oil Co. Inc., as agent for Oil Participations Inc., FPC GRS No. 23 (Austral's sale under its FPC GRS No. 23 is covered under Pan American's authorization in Docket No. G-10022).
[38] Assigns acreage from Oil Participations Inc., to Getty Oil Co.
[39] Accepts temporary certificate issued June 21, 1968. Contractual rate is 17 cents subject to upward and downward B.t.u. adjustment; however, by letter filed June 27, 1968, Applicant indicated willingness to accept a permanent certificate conditioned to 15 cents plus B.t.u. adjustment.
[40] No permanent authorization granted in Docket No. G-17775; therefore, the application in Docket No. CI68-1349 will be treated as an amendment to the application in Docket No. G-17775 and Docket No. CI68-1349 will be canceled.
[41] Assigned rights to and below the producing zone and therefore no longer has gas to sell.
[42] By order issued July 23, 1964 in Docket Nos. G-13221 et al. (Opinion No. 436) a 20-cent rate was found to be proper. Opinion No. 436 bas been stayed pending judicial review.
[43] Applicant proposes to initiate service from acreage covered under Cities Service Oil Co. (Operator) et al., FPC GRS No. 171.
[44] Incorporates tlie provisions of a contract dated May 24, 1963, between Cities Service Oil Co. and Northern Natural; on file as Supplement No. 7 to Cities Service Oil Co. FPC GRS No. 171.
[45] Sales from Pearl Mundy Lease now covered under this certificate.
[46] New acreage and supersedes Superior's FPC GRS No. 39 (Pearl Mundy Lease only); Applicant bas agreed to accept a permanent certificate for the gas attributable to tbe Pearl Mundy Lease at a rate of 15 cents subject to refund in tbe rate proceeding in Docket No. G-20347.
[47] Between H. F. Sears and buyer.
[48] Conveys Sears' interests to M. Morse & Co., Ltd.
[49] Conveys Morse's interests to Sohio Petroleum Co.
[50] Currently on file as Roland S. Bond FPC GRS No. 1.
[51] From Roland S. Bond to Aikman Bros. Corp.; acreage covers Lots 1 and 2 of sec. 2, T. 26 N., R. 25 W., only insofar as tbe Tonkawa Formation (approximately 5,500 feet).
[52] By letter filed July 25, 1968, Applicant agreed to accept a permanent certificate conditioned as Opinlon No. 468.
[53] Currently on file as Sun Oil Co. FPC GRS No. 86.
[54] From Sun Oil Co. to Aikman Bros. Corp.; acreage covers N½ of NE¼ of sec. 2, T. 26 N., R. 25 W., only insofar as tbe Tonkawa Formation.
[55] Currently on file as Skelly Oil Co. FPC GRS No. 50.
[56] Assigns acreage from Skelly Oil Co. to Amarillo Natural Gas Co.
[57] No permanent authorization granted in Docket No. CI63-1063; therefore, the application in Docket No. CI69-81 will oe treated as an amendment to the application in Docket No. CI63-1063 and Docket No. CI69-81 will be canceled.
[58] Rate of 21.5 cents subject to refund in Docket No. RI65-281, other rates subject to refund in Docket Nos. RI62-133, RI64-330 and RI61-173.
[59] Production of gas no longer economically feasible.
[60] Limited to gas produced from the Newburg Formation.
[61] Application submitted by H. R. Goodrich et al., successor in interest upon closing of tbe Estate of R. H. Goodrich, Deceased.
[62] Acreage committed as to all deptbs between sea level and 6,375 feet.
[63] Gas produced from tbe Betbel Formation.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)
Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this _____ day of _____, 196__.

(Name of Respondent)
By _____

Attest:

_____

[F.R. Doc. 68-12041; Filed, Oct. 4, 1968; 8:45 a.m.]

[Docket No. CP69-81]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

SEPTEMBER 30, 1968.

Take notice that on September 20, 1968, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP69-81 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1969 and operations of various gas-sales or transportation facilities along its natural gas transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct during the calendar year 1969 and operate various taps and laterals for direct sales to various customers and miscellaneous rearrangements of its pipeline facilities not resulting in any change of service rendered by means of the facilities involved.

Applicant states that the total estimated cost of the proposed facilities is $300,000, and that the deliveries of natural gas through the proposed facilities will not exceed 100,000 Mcf annually. None of the gas will be used for boiler fuel purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§157.10) on or before October 28, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-12120; Filed, Oct. 4, 1968; 8:45 a.m.]

[Docket No. E-7448]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

Order Providing for Hearing and Suspension of Proposed Rate Schedule Change

SEPTEMBER 30, 1968.

This order directs a hearing on the lawfulness, and suspends the operation, of a proposed increase in the filed rates and charges of Southern Indiana Gas and Electric Co. (Southern Indiana), Evansville, Ind., for wholesale or resale electric service to the city of Jasper, Ind. (Jasper).

Southern Indiana tendered for filing, as of September 1, 1968, pursuant to section 205 of the Federal Power Act, a proposed change in rate schedule to supersede as of October 1, 1968, Southern Indiana's presently effective Rate Schedule FPC No. 6, as supplemented.[1] The proffered superseding rate schedule, designated as Southern Indiana's Rate Schedule FPC No. 23, would increase Southern Indiana's rates and charges to Jasper by an estimated $132,274 based upon Southern Indiana's deliveries of power and energy to Jasper for the 12-month period ending June 30, 1968. During that period Southern Indiana furnished 18,765 m.w.-hr. to Jasper. Based upon the schedule of rates and charges reflected in Southern Indiana's Rate Schedule FPC No. 6, the total charges to Jasper were $240,857, whereas under the proposed increased rates and charges the total charges to Jasper would have been $373,131, all for the 12-month period ending June 30, 1968.

The proposed rate schedule change and increased rates and charges may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful within the meaning of the Federal Power Act. Unless suspended by order of the Commission, Southern Indiana's Rate Schedule FPC No. 23 will become effective pursuant to the provisions of the Power Act on October 1, 1968. Examination of that rate schedule, cost and revenue data submitted by Southern Indiana, and other data currently before the Commission indicates that the rates and charges and service provisions embodied in Southern Indiana's Rate Schedule FPC No. 23 may, among other things, (1) fail to reflect the service requirements of Jasper, particularly in view of the recent addition of 14,500 kw. to the generating capacity of Jasper's electric system; (2) establish a rate level un-

[1] The proposed rate submittal was originally received on July 29, 1968, and it was completed on August 30, 1968. By Commission letter dated September 20, 1968, to Southern Indiana's attorneys, Supplement No. 1 to Southern Indiana's Rate Schedule FPC No. 6 was accepted for filing effective as of September 1, 1968. Such letter stated, for reasons set forth therein, that the proposed superseding rate schedule is deemed to have been tendered for filing as of September 1, 1968.

related to the cost of Southern Indiana's service to Jasper; and (3) prohibit interconnections and transfers of capacity or energy between Jasper and wholesale electric suppliers other than Southern Indiana.

Jasper on August 19, 1968 protested the filing of the proposed rate schedule change and requested that the proposed rate increase be suspended and the lawfulness, under the Federal Power Act, of Southern Indiana's Rate Schedule FPC No. 23 be determined following a hearing thereon. Southern Indiana filed a response on September 18, 1968 generally opposing Jasper's position.

Several conferences among representatives of Southern Indiana, Jasper and the Commission staff have failed to result in a settlement of the issues here involved.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of Southern Indiana's proposed Rate Schedule FPC No. 23 and that the operation of such proposed rate scheduled be suspended and the use thereoef deferred, all as hereinafter provided.

The Commission orders:

(A) A public hearing shall be held concerning the lawfulness of Southern Indiana's proposed Rate Schedule FPC No. 23 at a time and place to be specified by notice of the Secretary.

(B) Pending such hearing and decision thereon, the operation under the Federal Power Act of the proposed rate schedule referred to in paragraph (A) above is hereby suspended and the use thereof deferred until March 1, 1969. On that date the proposed rate schedule shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission, unless this proceeding has been disposed of at a date previous thereto.

(C) During the period of suspension, Southern Indiana's currently effective Rate Schedule FPC No. 6, and Supplement No. 1 thereto, on file with the Commission shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, Southern Indiana shall not change the terms or provisions of its proposed Rate Schedule FPC No. 23 or its Rate Schedule FPC No. 6, and Supplement No. 1 thereto, until this proceeding has been disposed of or until the period of suspension has expired.

(E) During the course of this proceeding Southern Indiana shall submit or make available to the Commission staff any cost, revenue, operating, or other pertinent data as may be requested by the staff.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before October 31, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-12121; Filed, Oct. 4, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-2904]

COLORADO

Notice of Classification

SEPTEMBER 27, 1968.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the public lands within the area described below are hereby classified for disposal through the Public Land Sale Act of September 19, 1964.

2. The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

LARIMER COUNTY

T. 4 N., R. 72 W.,
Sec. 7, Lot 4.

The area described contains 36.50 acres of public land.

3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-12175; Filed, Oct. 4, 1968; 8:49 a.m.]

[C-2904]

COLORADO

Notice of Classification

SEPTEMBER 27, 1968.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the public lands within the areas described below are hereby classified for disposal through the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869).

2. The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

LARIMER COUNTY

T. 8 N., R. 69 W.,
Sec. 19, lot 4.
T. 10 N., R. 70 W.,
Sec. 33, NE¼SW¼, NW¼SE¼.
T. 11 N., R. 71 W.,
Sec. 30, lots 1, 2, 3, NE¼NW¼.

The total area involved aggregates 286.33 acres of public land.

3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-12176; Filed, Oct. 4, 1968; 8:49 a.m.]

[C-2904]

COLORADO

Notice of Classification

SEPTEMBER 27, 1968.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412) the public lands within the areas described below are hereby classified for disposal through public sale under section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171). The notice of proposed classification was published in 33 F.R. 8283 of June 4, 1968. No protests were received and there has been no change in the classification.

2. The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

LARIMER COUNTY

T. 6 N., R. 69 W.,
Sec. 17, SW¼SW¼.
T. 8 N., R. 69 W.,
Sec. 6, lots 6, 7, E½SW¼.
T. 9 N., R. 69 W.,
Sec. 30, SE¼NW¼, NE¼SW¼.
T. 10 N., R. 69 W.,
Sec. 8, W½SW¼, E½SE¼.
T. 11 N., R. 69 W.,
Sec. 10, N½NE¼, SW¼SW¼, SE¼SE¼;
Sec. 30, E½E½.
T. 12 N., R. 69 W.,
Sec. 20, lots 1, 2, and 3.
T. 6 N., R. 70 W.,
Sec. 2, NE¼SE¼;
Sec. 3, lot 4;
Sec. 4, NE¼SE¼, SW¼SE¼;
Sec. 5, lot 4, SW¼NW¼;
Sec. 9, NW¼SE¼;
Sec. 12, E½W½.
T. 10 N., R. 70 W.,
Sec. 4, SE¼SE¼;
Sec. 10, W½NW¼, SW¼, W½SE¼;
Sec. 12, NE¼NE¼, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼.
T. 11 N., R. 70 W.,
Sec. 24, SE¼;
Sec. 34, E½NE¼, NE¼SE¼.
T. 12 N., R. 70 W.,
Sec. 22, lots 1 and 2;
Sec. 34, NW¼NE¼.
T. 9 N., R. 71 W.,
Sec. 15, NW¼SE¼;
Sec. 23, E½E½.
T. 10 N., R. 71 W.,
Sec. 30, NE¼NW¼;
Sec. 33, NW¼SW¼;
Sec. 34, NE¼NW¼.

The total area involved aggregates approximately 2,417.27 acres of public land.

3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-12177; Filed, Oct. 4, 1968; 8:49 a.m.]

[M 10484]

MONTANA

Notice of Proposed Classification of Public Lands

SEPTEMBER 30, 1968.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 586; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the Bureau of Land Management proposes to classify lands described in paragraph 2 below. Publication of this notice has the effect of segregating the lands described in paragraph 2 from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. sec. 334), from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), from exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), and the lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The lands proposed to be classified for multiple use management are described as follows:

PRINCIPAL MERIDIAN, MONTANA

RICHLAND COUNTY

T. 26 N., R. 56 E.,
Sec. 1, lots 1 and 2, SE¼NE¼, and NE¼SE¼.
T. 27 N., R. 56 E.,
Sec. 3, lots 10 and 14;
Sec. 4, lots 6, 8, and 11;
Sec. 10, SW¼SE¼;
Sec. 11, lots 2, 7, and 9;
Sec. 13, lots 5 and 7, and SW¼SW¼;
Sec. 14, lot 2, S½NW¼, and S½;
Sec. 15, N½NE¼, and SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 24, SE¼NE¼, and E½SE¼;
Sec. 25, E½NE¼.
T. 26 N., R. 57 E.,
Sec. 3, W½SW¼;
Sec. 4, lots 1, 2, 3, 4, and S½N½, and S½;
Sec. 5, lot 1, S½NE¼, and SE¼;
Sec. 6, lot 4, and SW¼SE¼;
Sec. 7, lots 1 and 2, NE¼, NE¼NW¼, and N½SE¼;
Sec. 8, N½, N½S½, and SW¼SW¼;
Sec. 9, E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 10, W½NW¼, and NW¼SW¼;
Sec. 13, SW¼SW¼;
Sec. 14, lots 1, 2, 3, 5, and 6, SE¼NE¼, W½NW¼, NW¼SW¼, and E½SE¼;
Sec. 15, SW¼NE¼, NW¼, NE¼SW¼, W½SE¼, and NE¼SE¼;
Sec. 23, NE¼NE¼.
T. 27 N., R. 57 E.,
Sec. 19, lots 5, 8, 9, and 10, and SE¼SW¼;
Sec. 30, lots 1, 2, 3, 4, and 5, SW¼NE¼, SE¼NW¼, and SE¼SW¼;
Sec. 31, lots 1, 2, 3, and 4, E½NW¼, and NE¼SW¼;
Sec. 32, lots 3 and 4, NW¼NE¼, S½NE¼, and N½SE¼;
Sec. 33, lots 2, 5, 6, 7, and 8, and SW¼NW¼.

ROOSEVELT COUNTY

T. 26 N., R. 59 E.,
Sec. 2, lot 4.
T. 27 N., R. 59 E.,
Sec. 17, N½SW¼ and SE¼;
Sec. 20, E½E½ and SW¼NE¼;
Sec. 21, W½W½;
Sec. 26, SW¼ and W½SE¼;
Sec. 27, SW¼NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 28, all;
Sec. 29, SE¼NE¼, and NE¼SE¼;
Sec. 34, W½NE¼, and N½NW¼;
Sec. 35, NW¼NE¼, and W½.

The lands described above aggregate approximately 8,582.21 acres.

It is proposed to classify the public lands described in this paragraph for transfer out of Federal ownership (a) through exchange under the authority of section 8 of the Taylor Grazing Act (43 U.S.C. 315g), and (b) through public sales under section 2455 of the Revised Statute (43 U.S.C. 1171). Priority for disposals will be given first to exchanges and secondly to public sales.

PRINCIPAL MERIDIAN, MONTANA

RICHLAND COUNTY, MONTANA

T. 26 N., R. 55 E.,
Sec. 23, S½NE¼;
Sec. 26, NW¼NE¼.
T. 26 N., R. 56 E.,
Sec. 4, E½SW¼, and SW¼SE¼;
Sec. 8, NE¼NE¼;
Sec. 17, NW¼SE¼;
Sec. 21, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 32, NE¼SW¼.
T. 22 N., R. 57 E.,
Sec. 24, NE¼NE¼, and SE¼SE¼;
Sec. 34, NW¼NW¼, and NE¼SE¼.
T. 24 N., R. 57 E.,
Sec. 24, NE¼NW¼.
T. 25 N., R. 57 E.,
Sec. 4, SW¼SW¼;
Sec. 8, N½NW¼;
Sec. 10, SW¼NW¼.
T. 22 N., R. 58 E.,
Sec. 28, SW¼SW¼;
Sec. 30, lot 4, and SE¼SW¼.
T. 25 N., R. 58 E.,
Sec. 5, lot 4;
Sec. 30, NE¼SE¼.
T. 26 N., R. 58 E.,
Sec. 13, SE¼SW¼, and SW¼SE¼;
Sec. 15, SW¼NE¼;
Sec. 22, S½SE¼;
Sec. 23, NE¼NE¼;
Sec. 24, NE¼NE¼, and NW¼NW¼;
Sec. 27, N½NE¼;
Sec. 31, NW¼NE¼, and NE¼SW¼.
T. 21 N., R. 59 E.,
Sec. 2, lots 1 and 2, S½NE¼, and NE¼SW¼;
Sec. 14, E½NE¼, and N½SE¼;
Sec. 20, SW¼SE¼, and E½SE¼;
Sec. 26, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 22 N., R. 59 E.,
Sec. 2, NE¼.
T. 26 N., R. 59 E.,
Sec. 17, SW¼SW¼;
Sec. 18, S½SE¼;
Sec. 19, SE¼SW¼, and SW¼SE¼;
Sec. 21, SW¼NE¼;
Sec. 28, SE¼NE¼;
Sec. 34, NW¼NE¼.
T. 20 N., R. 60 E.,
Sec. 8, SW¼SW¼.
T. 21 N., R. 60 E.,
Sec. 6, S½SE¼.
T. 22 N., R. 60 E.,
Sec. 8, NE¼NW¼.

ROOSEVELT COUNTY, MONTANA

T. 27 N., R. 58 E.,
Sec. 19, lots 1 and 2;
Sec. 33, SE¼NW¼.

FIFTH PRINCIPAL MERIDIAN

MOUNTRAIL COUNTY, NORTH DAKOTA

T. 156 N., R. 89 W.,
Sec. 27, NW¼NE¼.
T. 152 N., R. 90 W.,
Sec. 5, SW¼SE¼.
T. 153 N., R. 90 W.,
Sec. 20, NE¼NE¼.
T. 154 N., R. 91 W.,
Sec. 4, lot 4, SW¼NE¼, and NW¼SW¼.
T. 155 N., R. 91 W.,
Sec. 5, lot 3;
Sec. 7, NW¼SE¼.
T. 154 N., R. 92 W.,
Sec. 31, lot 1.
T. 153 N., R. 93 W.,
Sec. 13, SE¼SW¼.
T. 154 N., R. 93 W.,
Sec. 30, NW¼NE¼.
T. 154 N., R. 94 W.,
Sec. 10, NE¼SW¼;
Sec. 20, NW¼NW¼.
T. 155 N., R. 94 W.,
Sec. 15, SW¼NE¼;
Sec. 35, SW¼NW¼.

WILLIAMS COUNTY, NORTH DAKOTA

T. 154 N., R. 95 W.,
Sec. 10, N½SE¼.
T. 154 N., R. 97 W.,
Sec. 17, SW¼NE¼.
T. 155 N., R. 97 W.,
Sec. 21, SE¼SE¼.
T. 153 N., R. 99 W.,
Sec. 28, NW¼NE¼, and NW¼NW¼.
T. 154 N., R. 100 W.,
Sec. 33, SE¼SE¼.
T. 154 N., R. 101 W.,
Sec. 29, SW¼SE¼, that portion lying north of railroad right-of-way.
T. 156 N., R. 102 W.,
Sec. 14, NE¼SW¼, and NW¼SE¼.
T. 153 N., R. 103 W.,
Sec. 9, NW¼NE¼;
Sec. 26, SW¼NW¼, and NE¼SW¼;
Sec. 27, NE¼SW¼;
Sec. 32, SW¼SE¼;
Sec. 33, NW¼NW¼.
T. 152 N., R. 104 W.,
Sec. 5, lot 12.
T. 153 N., R. 104 W.,
Sec. 10, lot 1;
Sec. 34, SE¼SE¼.

The lands described in this paragraph in Richland and Roosevelt Counties, Mont., aggregate approximately 2,980.56 acres. The lands described in this paragraph in Mountrail and Williams Counties, N. Dak., aggregate approximately 1,318.64 acres.

Publication of this notice segregates the lands described in paragraph 3 from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

4. Notice of this proposal has been sent to Montana and North Dakota State and local government officials, State and District Advisory boards, range users and other interested parties.

5. The land will be opened to application by all qualified individuals on an equal opportunity basis when the lands are classified by a subsequent order. All applications for exchange must be accompanied by a statement from either the Bureau of Land Management, Miles City District Manager, or by one authorized to sign for any benefiting agency which might be involved, that the proposal is feasible, in accordance with 43 CFR 2244.1–2(b)(1).

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, objections, or suggestions in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Miles City District Office, Miles City, Mont. 59301.

HAROLD TYSK,
State Director.

[F.R. Doc. 68–12133; Filed, Oct. 4, 1968; 8:46 a.m.]

[OR 876]

OREGON

Order Providing for Opening of Public Lands

SEPTEMBER 30, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 12 S., R. 37 E.,
Sec. 35, NE¼SE¼, S½SE¼.
T. 13 S., R. 37 E.,
Sec. 2, lots 2, 4, SW¼NE¼, S½NW¼, SW¼.

The areas described aggregate 481.77 acres.

2. The lands are located in Baker County. They are semiarid in character and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., November 5, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The United States did not acquire minerals in the lands described herein.

5. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68–12130; Filed, Oct. 4, 1968; 8:46 a.m.]

[Oregon 015062]

OREGON

Order Providing for Opening of Public Lands

SEPTEMBER 30, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

Minerals in the following lands were reconveyed to the United States:

T. 15 S., R. 44 E.,
Sec. 12, NE¼ and N½SE¼;
Sec. 16, NE¼, NE¼SE¼, SW¼SE¼, SW¼, N½NW¼, and SW¼NW¼;
Sec. 19, E½SW¼;
Sec. 22, N½, N½S½, S½SE¼, and SE¼SW¼;
Sec. 23, W½W½;
Sec. 30.
T. 16 S., R. 45 E.,
Sec. 6, lots 2, 3, 4, and 5, E½SW¼, W½SE¼, SE¼NW¼, and SW¼NE¼;
Sec. 7, W½NE¼.

Minerals in the following lands were not reconveyed to the United States:

T. 15 S., R. 44 E.,
Sec. 29, W½SW¼;
T. 15 S., R. 45 E.,
Sec. 7, lots 1 and 2.
T. 16 S., R. 45 E.,
Sec. 6, lots 6 and 7;
Sec. 7, lots 1, 2, 3, 4, and E½W½;
Sec. 24, SE¼SE¼;
Sec. 25, E½, E½NW¼, and NE¼SW¼;
Sec. 31, lots 1, 2, SE¼NW¼, and SE¼NE¼;
Sec. 33, E½SE¼ and SE¼NE¼;
Sec. 34, S½NW¼, N½SW¼, and SW¼SW¼.
T. 16 S., R. 46 E.,
Sec. 30, lots 3, 4, and E½SW¼.
T. 17 S., R. 45 E.,
Sec. 2, lots 1, 2, S½NE¼, N½SE¼, SE¼NW¼, and NE¼SW¼;
Sec. 4, S½;
Sec. 9, W½SW¼;
Sec. 10, W½NE¼, E½SW¼, and NW¼;
Sec. 12, N½N½, SE¼NE¼, and NE¼SE¼;
Sec. 17;
Sec. 22, E½SE¼;
Sec. 23, E½, S½NW¼, and SW¼;
Sec. 24, S½NW¼ and SW¼;
Sec. 25, N½NW¼.

The areas described aggregate 7,335.63 acres.

2. The lands are located in Malheur County. They are semiarid in character and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., November 5, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68–12131; Filed, Oct. 4, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE FAIR PRICES IN PUERTO RICO

Designation of Presiding Officers

Pursuant to the authority contained in subsection (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Santurce, P.R., in the Conference Room, Seventh Floor, Segarra Building, Stop 20, on October 31, 1968, beginning at 10:30 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices for the 1968–69 crop of Puerto Rican sugarcane.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to the subject matter involved.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer testimony on testing and evaluation of bulk-delivered sugarcane and other recent developments designed to reduce the costs of producing and processing sugarcane.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

T. O. Murphy, A. A. Greenwood, J. M. Thompson, C. F. Denny, and Carlos Troche are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on September 30, 1968.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-12136; Filed, Oct. 4, 1968; 8:46 a.m.]

Packers and Stockyards Administration

SIOUX CITY STOCK YARDS RULES 17 AND 18

Notice of Hearing

On August 29, 1968, the Sioux City Stock Yards Division of United Stockyards Corp. issued proposed supplements Nos. 2 and 3 to its tariff No. 19 to be effective September 28 and 30, respectively. By notice dated September 26, 1968, the company extended the effective date of such supplements for 30 days. Supplements Nos. 2 and 3 proposed to add new items numbered 17 and 18 to its rules and regulations as follows:

Number 17. All livestock, except cripples and incapacitated livestock, sold at these Yards must be weighed on Stock Yard Co. scales and copy of scale ticket dated the date of the sale furnished buyer or his agent.

Number 18. Each market agency registered to sell livestock on a commission basis on this market shall provide all selling services required for each specie of livestock which it solicits or receives for sale, including a full time skilled salesman for each specie. No market agency shall employ, accept or utilize the services of any livestock salesman employed by or performing services for any other market agency or dealer.

Informal complaints have been received from the Sioux City Live Stock Exchange and LaFleur Bros., Sioux City, Iowa, with respect to the issuance of supplement No. 2, and from 20 market agency members of the Sioux City Live Stock Exchange with respect to the issuance of supplement No. 3.

In accordance with § 202.3(b) of the Rules of Practice Governing Proceedings Under the Packers and Stockyards Act (9 CFR 202), the Administrator has caused an investigation to be instituted to determine whether the rules in question will violate the Act, or regulations or orders of the Secretary issued pursuant thereto. In order to provide all interested persons an opportunity to present views and evidence wtih respect to all relevant and material facts and circumstances pertaining to this matter, notice is hereby given that an oral public hearing with respect to supplements 2 and 3 to Sioux City Stock Yard Tariff No. 19 will be held commencing at 10 a.m. on October 14, 1968, at the Exchange Hall, Livestock Exchange Building, Sioux City Stockyards, Sioux City, Iowa. If necessary, the hearing will be continued on October 15, 1968.

The oral hearing will be held before a Hearing Examiner of the Department. The Hearing Examiner is authorized to rule upon all motions and requests and do all acts and take all measures necessary for the maintenance of order and the efficient conduct of the proceeding. The testimony of witnesses shall be upon oath or affirmation administered by the Hearing Examiner and shall be subject to cross-examination.

Except as may be determined otherwise by the Hearing Examiner the persons filing the informal complaints with respect to the stockyard rules shall proceed first at the hearing.

The Hearing Examiner shall admit any relevant and material evidence, views or arguments offered by any interested persons, except evidence, views or arguments which are unduly repetitious.

All exhibits offered in evidence must be submitted in triplicate. A stenographic transcript will be made at the hearing, and parties who desire a copy of the transcript of the hearing may place orders with the reporter who will furnish and deliver such copies direct to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and the purchaser.

Interested persons may file written briefs or comments in duplicate concerning this matter with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 31, 1968. All such written briefs and comments will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

After the hearing, the Administrator will issue an order with respect to the matter.

Done at Washington, D.C., this 3d day of October 1968.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 68-12244; Filed, Oct. 4, 1968; 10:35 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., pursuant to section 613 of the Merchant Marine Act, 1936, as amended, has applied to the Maritime Administration for approval of the following cruises by the S.S. Independence during calendar year 1969:

Sails New York	Arrives New York	Itinerary
Jan. 4	Jan. 10	St. Thomas.
10	17	San Juan, St. Thomas.
17	24	Do.
24	31	Do.
31	Feb. 14	San Juan, Curacao, LaGuaira, Trinidad, Barbados, Guadeloupe, St. Thomas, Bermuda.
Feb. 14	28	San Juan, Curacao, LaGuaira, Martinique, Trinidad, Barbados, Guadeloupe, St. Thomas.
28	Mar. 14	Bermuda, San Juan, Curacao, LaGuaira, Trinidad, Barbados, Guadeloupe, St. Thomas.
Mar. 14	21	San Juan, St. Thomas.
21	28	Do.
28	Apr. 4	Do.
Apr. 4	11	Do.
18	25	Do.
25	May 2	Do.
May 2	9	Do.
9	16	Do.
16	23	Do.
23	30	Do.
30	June 6	Do.
Oct. 17	Oct. 24	Do.
24	31	Do.
31	Nov. 7	Do.
Nov. 7	14	Do.
14	21	Do.
21	28	Do.
1970		
Dec. 23	Jan. 5	St. Thomas, Guadeloupe, Barbados, Trinidad, Martinique, San Juan, Bermuda.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by close of business on October 18, 1968. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: October 1, 1968.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-12155; Filed, Oct. 4, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20233; Order 68-9-171]

MILLER AIRCRAFT, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 13, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 29.9 cents per great circle aircraft mile for the transportation of

mail by aircraft between Amarillo and Dallas, Tex.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model C–45–H, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Miller Aircraft, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Amarillo and Dallas, Tex., shall be 29.9 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f),

It is ordered, That:

1. Miller Aircraft, Inc., the Postmaster General, Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Trans-Texas Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Miller Aircraft, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Miller Aircraft, Inc., the Postmaster General, Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Trans-Texas Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12161; Filed, Oct. 4, 1968; 8:47 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20220; Order 68–9–169]

ORION AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 11, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 35 cents per great circle aircraft mile for the transportation of mail by aircraft between Moline, Ill., Cedar Rapids and Des Moines, Iowa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model D–18–S, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Orion Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Moline, Ill., Cedar Rapids and Des Moines, Iowa, shall be 35 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Orion Airways, Inc., the Postmaster General, Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Orion Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Orion Airways, Inc., the Postmaster General, Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12162; Filed, Oct. 4, 1968; 8:47 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20232; Order 68–9–170]

ORION AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 13, 1968, pursuant to

14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 35 cents per great circle aircraft mile for the transportation of mail by aircraft between Des Moines, Iowa, and St. Louis, Mo.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General States that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model D–18–S, twin-engine aicraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Orion Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Des Moines, Iowa, and St. Louis, Mo., shall be 35 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Orion Airways, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Orion Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Orion Airways, Inc., the Postmaster General, Braniff Airways, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12163; Filed, Oct. 4, 1968; 8:48 a.m.]

[Docket No. 19330 etc.; Order 68–9–160]

PIEDMONT CHICAGO ENTRY CASE

Order Regarding Consolidation of Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1968.

By Order E–26664 dated April 16, 1968, the Board consolidated Piedmont's application in Docket 19330,[1] Allegheny's application in Docket 19441,[2] and Lake Central's application in Docket 19402[3] with the above-indicated proceeding. Subsequent thereto Piedmont moved to consolidate an amendment to its application requesting that Norfolk, Va., be designated as a terminal point in lieu of Richmond, Va. Delta moved to consolidate the application in Docket 19867 requesting authority to terminate service at Asheville, N.C., in the event Piedmont is certificated to provide service between Chicago and Asheville. United moved to consolidate Docket 19892 involving amendment of its route 14 to designate Richmond as an intermediate point between Newport News and Washington. Piedmont and Bureau Counsel filed answers to the motions.

Piedmont's amendment to its application to designate Norfolk as a terminal point in lieu of Richmond would permit consideration of service similar to that proposed by Allegheny in Docket 19441.

Delta's application to delete Asheville, N.C., as an intermediate point on route 54 involves, among other things, termination of service between Chicago and Asheville where Piedmont proposes additional service. The City and Chamber of Commerce of Asheville and Piedmont oppose consolidation of this application. The Asheville parties argue that the deletion issue is outside the scope of this proceeding in that deletion on route 54 would involve not only the issue of Chicago-Asheville authority, but authority between Asheville and 20 other cities on route 54, particularly to the southeast. Piedmont asserts that inclusion of this issue would so broaden the scope of this case as to unduly delay it. Although Piedmont does not specifically seek Chicago-Asheville authority on the new segment it has applied for, it could receive at least one-stop authority in the market by tacking, and, indeed, has submitted a proposal which includes additional service in that market.

We will deny Delta's motion. Asheville is a "beyond point" in respect to the authority directly in issue and consideration of its deletion would expand the issues in the case. Delta's interests can be adequately protected without inclusion of the deletion issue. Under the issues as already framed, Delta is free to argue, with supporting evidence, that a restriction against single-plane service in the Asheville-Chicago market should be imposed if Piedmont is extended to Chicago.

United now serves Richmond as an intermediate point on Route 51 and provides service between Richmond and Route 14 points via the route junction points Washington, D.C., or Baltimore. Under its proposal herein it would be able to provide service between such points without the necessity of stopping at a route junction point. The only Route 14 point to which Piedmont proposes service from Richmond is Chicago. Consequently, except for the proposal to provide nonstop service between Richmond and Chicago, United's proposal would involve service beyond the scope of the instant proceeding.

Accordingly, it is ordered:

1. That the motions of Piedmont to consolidate its application in Docket 19330, as amended, and United to consolidate its application in Docket 19892, insofar as the latter involves nonstop authority between Richmond and Chicago, be and hereby are granted; and

2. That the motion of Delta to consolidate its application in Docket 19867 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12164; Filed, Oct. 4, 1968; 8:48 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[1] Piedmont seeks authority between the terminal point Chicago, Ill., the intermediate points Ashland, Ky.-Huntington, W. Va., and (a) beyond Ashland-Huntington, the intermediate points Charleston, W. Va., and Roanoke, Va., and the terminal point Richmond, Va., and (b) beyond Ashland-Huntington, the terminal point Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn.

[2] Allegheny proposes service between the terminal points Chicago and Norfolk, Va.

[3] Lake Central proposes service between the terminal point Chicago, the intermediate point Ashland-Huntington, and the terminal point Charleston.

[Docket No. 20216; Order 68-9-161]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 11, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 38.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Sioux City, Carroll, and Des Moines, Iowa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech, Model E-18-S, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Sioux City, Carroll, and Des Moines, Iowa shall be 38.8 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12165; Filed, Oct. 4, 1968; 8:48 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20217; Order 68-9-168]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 11, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 38.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Des Moines, Iowa, and Grand Island, Nebr.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model E-18-S twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Des Moines, Iowa, and Grand Island, Nebr., shall be 38.8 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12166; Filed, Oct. 4, 1968; 8:48 a.m.]

[Docket No. 20218; Order 68-9-167]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 11, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 38.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Dubuque, Waterloo, and Des Moines, Iowa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model E-18-S twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Dubuque, Waterloo, and Des Moines, Iowa, shall be 38.8 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302 14 CFR Part 298, and 14 CFR 385.14 (f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12167; Filed, Oct. 4, 1968; 8:48 a.m.]

[Docket No. 20219; Order 68-9-166]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 11, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate 38.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Des Moines, Iowa, and Kansas City, Mo.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model E-18-S, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Des Moines, Iowa, and Kansas City, Mo., shall be 38.8 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12168; Filed, Oct. 4, 1968; 8:48 a.m.]

[Docket No. 20226; Order 68-9-165]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 38.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Decorah, Mason City, and Des Moines, Iowa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model E-18-S, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Decorah, Mason City, and Des Moines, Iowa, shall be 38.8 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12169; Filed, Oct. 4, 1968; 8:48 a.m.]

[Docket No. 20229; Order 68-9-162]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on September 30, 1968.

The Postmaster General filed a notice of intent September 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 38.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Burlington, Ottumwa, and Des Moines, Iowa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model E-18-S, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Burlington, Ottumwa, and Des Moines, Iowa, shall be 38.8 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Ozark Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14 (g).

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12170; Filed, Oct. 4, 1968; 8:48 a.m.]

[Docket No. 20250]

SET AIR FREIGHT, INC. ET AL.

Notice of Proposed Approval Regarding Control and Interlocking Relationships

Application of Set Air Freight, Inc., Edward J. Thal and Sidney Abramowitz for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20250.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 1, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Set Air Freight, Inc., Edward J. Thal and Sidney Abramowitz for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed September 17, 1968, Set Air Freight, Inc. (Set), Edward J. Thal and Sidney Abramowitz request approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of control relationships resulting from the ownership by the individual applicants of 50 percent each of the stock of Set, an applicant for international air freight forwarder authority, and Newton Trucking Corp. (Newton), a motor carrier engaged in operations in the New York commercial zone. Other enterprises owned jointly by the individual applicants are E. T. Warehousing Corp. which operates a warehouse in Brooklyn, N.Y.; Twin Forwarders, Inc., an ocean freight forwarder, and E & S Properties Inc., a real estate corporation.[1]

The individual applicants are the only officers and directors of all the above-listed corporations with Mr. Thal being president and director and Mr. Abramowitz, vice president and director of each company. Approval of the interlocking relationships involved is sought pursuant to section 409 of the Act.

The individual applicants state that they have no interests other than those disclosed herein; that both have been in the trucking and warehousing business in the New York Metropolitan area for the past 30 years and that their knowledge and experience will help them to provide an air freight forwarder service of benefit to the public.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General, not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that, for the purpose of this proceeding Set is an air carrier and Newton is a common carrier within the meaning of section 408 of the Act, and that the common control of these companies by Messrs. Thal and Abramowitz is subject to that section. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to others that have been approved by the Board and do not present any new substantive issues.[2] It therefore appears that approval of the control relationships will not be inconsistent with the public interest.

We also find that interlocking relationships within the scope of section 409 of the Act will result from the holding by the individual applicants of the positions described herein. However, it has been further concluded that such relationships come within the scope of the exemption from the provisions of section 409 provided by § 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of the foregoing interlocking relationships, it will be dismissed.

[1] None of these three companies appears to fall within the scope of sections 408 and 409 of the Act. Twin Forwarders, Inc., acts essentially as an agent for shippers of ocean freight and is not considered a common carrier by the Federal Maritime Commission, by which it is licensed to operate.

[2] See Order 68-7-70, July 16, 1968.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the above-described control relationships should be approved pursuant to section 408(b) of the Act without a hearing and that the application, insofar as it requests approval of interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the common control of Set and Newton by the individual applicants be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12171; Filed, Oct. 4, 1968; 8:48 a.m.]

[Docket No. 20141; Order 68-9-156]

SUN AIRLINE CORP.

Order Fixing Final Mail Rate Regarding Service Mail Rate

Issued under delegated authority on September 30, 1968.

All interested persons, and particularly the parties named below,[1] were directed to show cause by Order 68-9-36, dated September 9, 1968, why the Board should not establish the service mail rate proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the service mail rate.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.14(g),

It is ordered, That:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Bowling Green and Louisville, Ky., shall be 29 cents per great circle aircraft mile;

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

[1] Sun Airline Corp., the Postmaster General, and Eastern Air Lines, Inc.

3. This order shall be served on Sun Airline Corp., the Postmaster General, and Eastern Air Lines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12172; Filed, Oct. 4, 1968; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 5]

LYTTON FINANCIAL CORP.

Notice of Receipt of Application for Permission To Acquire Equitable Savings and Loan Association and Mission Savings and Loan Association

OCTOBER 2, 1968.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Lytton Financial Corporation, Los Angeles, Calif., to acquire the Equitable Savings and Loan Association, Van Nuys, Calif., and the Mission Savings and Loan Association, Santa Ana, Calif., insured institutions, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR § 584.4). The proposed acquisition would be effected by the exchange of stock of the Lytton Financial Corp. for all the guaranteed stock of the Equitable Savings and Loan Association and the Mission Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-12137; Filed, Oct. 4, 1968; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

INTERNATIONAL CONTAINER GROUP

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following Agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of intent to cancel Agreement No. 9645 filed by:

Gerald H. Ullman, Esquire, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9645-1 provides for the cancellation of the International Container Group (Agreement No. 9645), between 10 licensed ocean freight forwarders located in the Port of New York area, which was formed to carry on the business of unitizing and consolidating shipments and breaking bulk for the movement of less than full container loads to and from worldwide destinations on a regular schedule.

Dated: October 2, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-12173; Filed, Oct. 4, 1968; 8:49 a.m.]

SOUTH ATLANTIC AND CARIBBEAN LINE, INC., AND PORT CHESTER SHIPPING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Gerald A. Malia, Ragan and Mason, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9747, between South Atlantic & Caribbean Line, Inc., and Port Chester Shipping Co., establishes a through billing arrangement for the movement of fresh and frozen meat and frozen fish from ports in Central America to the ports of Miami and Jacksonville, Fla., with transshipment at San Juan, P.R., in accordance with the terms and conditions set forth in the agreement.

Dated: October 2, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-12174; Filed, Oct. 4, 1968; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

COMMODITIES AND SERVICES

Bidders Mailing Lists

The present GSA Federal Supply Service, Bidders Mailing Lists for commodities and services will be obsolete on or about November 1, 1968. At that time entirely new mailing lists will have been prepared and solicitations will be mailed only to firms which are on the new mailing list. All suppliers on the present mailing lists have been sent new application forms which were to be completed and returned to GSA, Federal Supply Service, Region 8, Denver, Colo. Applicants were to execute the application forms in full, as though applying as new prospective bidders for the first time.

Vendors which have not returned the new applications will not receive future solicitations under the new system until such time as an application is submitted.

Addressees on the FSS Bidder's Mailing Lists which have not received the new forms, as well as new applicant firms that now wish to be on the FSS bidders mailing lists, should contact the GSA Business Service Center, at the nearest GSA regional office.

Dated: September 30, 1968.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[F.R. Doc. 68-12123; Filed, Oct. 4, 1968; 8:45 a.m.]

[Temporary Regulation F-26]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a water service rate proceeding.

2. *Effective date.* This regulation is effective September 24, 1968.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the City Council of Shreveport, La., in a proceeding involving proposed water service rate increases by the city of Shreveport.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

J. E. MOODY,
Acting Administrator
of General Services.

SEPTEMBER 30, 1968.

[F.R. Doc. 68-12124; Filed, Oct. 4, 1968; 8:45 a.m.]

[Temporary Regulation F-27]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telephone service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Michigan Public Service Commission in proceedings involving telephone service rates by the Michigan Bell Telephone Co. (Michigan PSC Docket No. U-3204).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

J. E. MOODY,
Acting Administrator
of General Services.

OCTOBER 1, 1968.

[F.R. Doc. 68-12144; Filed, Oct. 4, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2379]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for an Order Exempting Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

OCTOBER 1, 1968.

Notice is hereby given that Broad Street Investing Corp. ("applicant"), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for the assets of Stondel, Inc. ("Stondel").

All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Stondel, a Rhode Island corporation, is an investment company, all of the outstanding stock of which is owned of record and beneficially by 11 persons, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Prior to 1960 Stondel was engaged in the textile business and in or prior to that year sold or otherwise disposed of substantially all of its assets and business. Since that date it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between applicant and Stondel, substantially all of the cash and securities owned by Stondel, with a value of approximately $4,849,695 as of July 31, 1968, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant's stock to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Stondel to be transferred to applicant by the net asset value per share of the applicant, both to be determined as of valuation time, as defined in the agreement. If the valuation under the agreement had taken place on July 31, 1968, Stondel would have received 316,741 shares of applicant stock. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Stondel the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to the Stondel stockholders on the liquidation of Stondel. Applicant has been advised by the management of Stondel that the stockholders of Stondel have no present intention of redeeming or otherwise transferring any of applicant's shares following the proposed transaction.

No affiliation exists between Stondel or its officers, directors or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 21, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a

hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12134; Filed, Oct. 4, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 2, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41458—*Insulating material from and to southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–9111), for and on behalf of interested rail carriers. Rates on insulating material, as described in the application, in carloads, between points in southwestern territory; also between points in southwestern territory, on the one hand, and Natchez and Vicksburg, Miss., Memphis, Tenn., and points in Illinois and western trunkline territories, on the other.

Grounds for relief—Contract motor carrier competition, shortline distance formula and grouping.

Tariffs—Supplements 103 and 103 to Southwestern Freight Bureau, agent, tariffs ICC 4692 and 4690, respectively.

FSA No. 41459—*Chlorine to New Johnsonville, Tenn.* Filed by O. W. South, Jr., agent (No. A6054), for and on behalf of interested rail carriers. Rates on chlorine, in tank carloads, also in tank carload shipments of not less than 5 cars, from LeMoyne, Ala., to New Johnsonville, Tenn..

Grounds for relief—Rate relationship.

Tariff—Supplement 137 to Southern Freight Association, agent, tariff ICC S–600.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12148; Filed, Oct. 4, 1968; 8:46 a.m.]

[Notice 703]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 2, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Sub-No. 231 TA), filed September 30, 1968. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), restricted to traffic originating at Ottumwa, Iowa, from Ottumwa, Iowa, to points in Ohio, Pennsylvania, Michigan, New York, Maryland, District of Columbia, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, West Virginia, Virginia, New Jersey, and Delaware, for 180 days. Supporting shipper: John Morrel & Co., Ottumwa, Iowa. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 17226 (Sub-No. 33 TA), filed September 30, 1968. Applicant: FRUIT BELT MOTOR SERVICE, INC., 7626 West Madison Street, Forest Park, Ill. 60130. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Machinery, machinery parts, materials and supplies, used in the manufacture, shipping or operation of refrigerators, freezers, refrigerator-freezers, ice cube makers, air conditioners, dehumidifiers, and parts and accessories thereof* when transported with and intended for installation thereon (not including those which require special equipment because of size or weight), between Ripley, Tenn., and the plant-sites of Whirlpool Corp., at Evansville, Ind. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with The Whirlpool Corp., for 180 days. Supporting shipper: Whirlpool Corp., Benton Harbor, Mich. 49022. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 32367 (Sub-No. 19 TA), filed September 30, 1968. Applicant: TED OCHSNER AND H. V. SPIELMAN, doing business as RED AND WHITE TRANSFER, 607 South Burlington, Hastings, Nebr. 68901. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Farm and industrial equipment, and parts thereof,* between Hastings, Nebr., on the one hand, and, on the other, points in Washington, Oregon, and Idaho, for 180 days. Supporting shipper: Western Land Roller Co., Hastings, Nebr. 68901. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 54948 (Sub-No. 2 TA), filed September 30, 1968. Applicant: BERT B. HEDSTROM, Wilton, N. Dak. 58579. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients,* in bags, from Fargo, N. Dak., to Wilton and Wing, N. Dak. It is the intention of applicant to conduct joint line service with Collins Truck Line, Inc., Minneapolis, Minn. MC–45134, for shipments originating in the Minneapolis, Minn., area, for 180 days. Supporting shippers: Farmers Union Oil Co., Wilton, N. Dak. 58579; Farmers Union Oil Co., Wing, N. Dak. 58494. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 61403 (Sub-No. 183 TA), filed September 30, 1968. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, 37664, Post Office Box 47, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Diketene,* in bulk, in tank vehicles, from F.M.C. Corp., at Meadville, Ill., and St. Louis, Mo., with service Supporting shipper: F.M.C. Corp., Traffic Department, 633 Third Avenue, New York, N.Y. 10017. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 83885 (Sub-No. 6 TA), filed September 30, 1968. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. 10007.

Applicant's representative: Arthur Liberstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Silver bars,* from Perth Amboy, N.J., to Rochester, N.Y., under a continuing contract with Anaconda Sales Co., a division of Anaconda Co., for 150 days. Supporting shipper: Anaconda Sales Co., 25 Broadway, New York, N.Y. 10004. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 89523 (Sub-No. 13 TA), filed September 30, 1968. Applicant: MIDSTATES TRUCKING CO., 2517 North Grand, Enid, Okla. 73701. Applicant's representative: R. F. Hayes (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising,* from Longview, Tex., to Blackwell, Stillwater, Enid, Woodward, and Guymon, Okla., and *empty containers and pallets,* on return, for 180 days. Supporting shippers: Sudik Beverage Distributors, Joseph W. Sudik, Enid, Okla.; Panhandle Distribution Co., Robert C. Pope, Post Office Box 583, 810 Santa Fe, Woodward, Okla. 73801; J. K. Boersma, President, J. K. Boersma Beverage Distributors, 208 North Fourth Street, Blackwell, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 350 American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 94350 (Sub-No. 197 TA), filed September 30, 1968. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: G. P. Apperson, Jr. (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Weakley County, Tenn., to points in the United States, for 180 days. Supporting shipper: Volunteer Manufacturing Corp., Post Office Box 86, Greenfield, Tenn. 38230. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 103993 (Sub-No. 339 TA), filed September 30, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Steel buildings* (2) *building sections, panels, materials, parts, and accessories,* from points in Mahoning and Trumbull Counties, Ohio, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Republic Steel Corp., Manufacturing Division, Youngstown, Ohio 44505. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 111785 (Sub-No. 35 TA), filed September 30, 1968. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box No. 149, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wooden pallets* from points in Braxton and Randolph Counties, W. Va., to points in Kentucky, Maryland, Ohio, Pennsylvania, and Virginia, for 180 days. Supporting shipper: G. N. Wilson, General Manager, Pioneer Lumber Corp., Post Office Box No. 8, Dailey, W. Va. 26259. Send protests to: H R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 116457 (Sub-No. 6 TA), filed September 30, 1968. Applicant: CLAUDE BUTLER, doing business as BUTLER TRUCKING CO., Show Low, Ariz. 85901 (Box 416). Applicant's representative: P. H. Dawson, 4453 East Piccadilly, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing* in rolls, *shingles and felts, and roofing supplies,* from Stroud, Okla., to Alamogordo, Albuquerque, Artesia, Aztec, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hatch, Hobbs, Las Cruces, Las Vegas, Lordsburg, Peralta, Portales, Roswell, Santa Fe, Silver City, Socorro, Taso, Truth or Consequences, and Tucumceri, N. Mex., and Casa Grande, Coolidge, Flagstaff, Granodo, Globe, Holbrook, Mesa, Phoenix, Prescott, Safford, Show Low, Superior, Tucson, Window Rock, and Winslow, Ariz., for 180 days. Supporting shipper: Allied Materials Corp., 5101 North Pennsylvania, Post Office Box 12340, 39th Street Station, Oklahoma City, Okla. 73112. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoneix, Ariz. 85025.

No. MC 119777 (Sub-No. 117 TA), filed September 27, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tanks,* from points in Warren County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Morton A. Bradlyn, General Manager, Atlas Tanks Manufacturing Co., Inc., Division of Mississippi Industries, Post Office Box 427, Vicksburg, Miss. 39180. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 123490 (Sub-No. 9 TA), filed September 27, 1968. Applicant: CHIP CARRIERS, INC., 1217 South 24th Street, Omaha, Nebr. 68108. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Doritos tortilla chips,* for the account of Frito-Lay, Inc., from Council Bluffs, Iowa, to points in Illinois, Indiana, Wisconsin, and Minnesota, and *rejected shipments,* on return, for 180 days. Supporting shipper: Frito-Lay, Inc., Dallas, Tex. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125010 (Sub-No. 8 TA), filed September 30, 1968. Applicant: GIBCO MOTOR EXPRESS, INC., Post Office Box 312, Terre Haute, Ind. 47808. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Coke, scrap iron or steel,* for remelting purposes only, from Danville, Ill., to Calvert City, Ky., for 180 days. Supporting shipper: Airco Alloys & Carbide, Division of Air Reduction Co., Inc., Niagara Falls, N.Y. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 127651 (Sub-No. 5 TA), filed September 27, 1968. Applicant: EVERETT G. ROEHL, 201 West Upham Street, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood pallets,* on flatbed trailers, from Lyndon Station, Wis., to North Chicago, Chicago, and Rockford, Ill., from Rock Springs, Wis., to Chicago, Ill.; from Necedah, Wis., to Chicago, Joliet, and Aurora, Ill., for 150 days. Supporting shippers: Lyndon Wood Products Corp., Lyndon Station, Wis. 53944; Necedah Pallet Co., Inc., Necedah, Wis. 54646; Kendrick Timber Products, Rock Springs, Wis. 53961. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 129214 (Sub-No. 3 TA), filed September 30, 1968. Applicant: CAVES TRUCKING COMPANY, INC., Post Office Box 206, Wild Rose, Wis. 54984. Applicant's representative: Gordon N. Caves (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pulpboard boxes, wooden box materials, and fiberboard boxes with wooden frames*, from Wild Rose, Wis., to Flint, Mich., for 180 days. Supporting shipper: Kieckhefer Boxes, Inc., 1536 North 68th Street, Milwaukee, Wis. 53213. Factory: Wild Rose, Wis. 54984. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-12149; Filed, Oct. 4, 1968; 8:46 a.m.]

[Notice 221]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 2, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70749. By order of September 27, 1968, the Transfer Board approved the transfer to Creech Brothers Truck Lines, Inc., 312 West Cherry Street, Troy, Mo., of the operating rights in certificates Nos. MC-87259 and MC-87259 (Sub-No. 1) issued June 21, 1941, and August 1, 1949, respectively, to Harold Henry Kueker, doing business as Harold Kueker, R.F.D. No. 2, Evansville, Ill. 62242, authorizing the transportation, over regular routes, of cottonseed meal and cakes, soy bean meal, cotton bags, bagging and ties, cottonseed oil machinery, and parts and supplies used in the construction, maintenance, and operation of cottonseed oil mills, between Cairo, Ill., and St. Louis, Mo., with service authorized to and from points in St. Louis County, Mo., as off-route points; and general commodities, except those of unusual value, and except dangerous explosives, commodities in bulk, commodities requiring special equipment, household goods, and those injurious or contaminating to other lading, between Evansville, Ill., and St. Louis, Mo., with service authorized to and from the intermediate and off-route points of Ruma, Red Bud, and Walsh, Ill., and points in St. Louis County within the St. Louis-East St. Louis commercial zone as off-route points.

No. MC-FC-70751. By order of September 27, 1968, the Transfer Board approved the transfer to Gavin Travel Service, Inc., 1111 Walnut Avenue, Niagara Falls, N.Y. 14301, of the operating rights in certificate No. MC-116668 (Sub-No. 2) issued June 17, 1966, to Alfonse S. Gavin, 1111 Walnut Avenue, Niagara Falls, N.Y. 14301, authorizing the transportation, over irregular routes, of passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, with certain limitations, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within 6 miles thereof, and extending to ports of entry on the United States-Canada boundary line at Niagara Falls and Lewiston, N.Y.

No. MC-FC-70780. By order of September 27, 1968, the Transfer Board approved the transfer to Lloyd M. Michael, doing business as Lloyd Michael Mover, Dayton, Ohio, of the operating rights in certificate No. MC-50487 issued December 3, 1963, to Able Moving & Storage, Inc., Dayton, Ohio, authorizing the transportation of household goods, between Dayton, Ohio, and points within 20 miles of Dayton, on the one hand, and, on the other, points in Missouri, Illinois, Indiana, Michigan, Kentucky, Tennessee, West Virginia, Maryland, New Jersey, New York, Pennsylvania, Wisconsin, Iowa, and the District of Columbia. Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215; attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-12150; Filed, Oct. 4, 1968; 8:46 a.m.]

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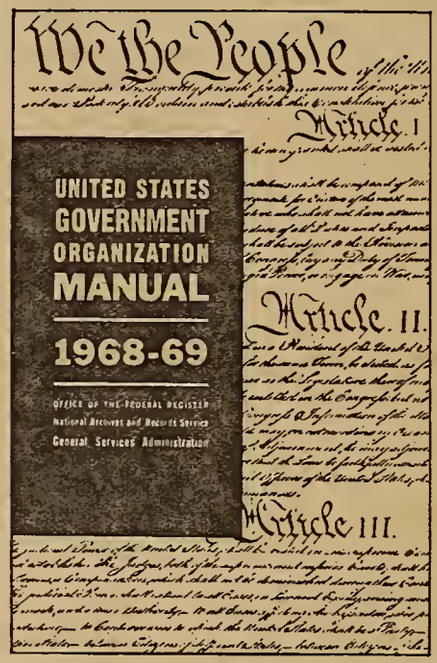

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